

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,876th Meeting



9:00 a.m. February 17, 2005
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

MINUTES APPROVED WITH CORRECTIONS
MADE AT THE JUNE 9, 2005 MEETING

COMMISSIONERS PRESENT: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

COMMISSIONERS ABSENT: Comer

STAFF PRESENT:

- Gutierrez, Planning Director
- Aaron, Principal Planner
- Coyazo, Senior Planner
- Belier, Senior Planner
- Hayes, Senior Planner
- Miramontes, Senior Planner
- Violette, Assistant Planner
- Walker, Assistant Planner
- Nahill, Contract Planner
- VanZanten, Sr. Engineer
- Smith, Deputy City Attorney
- Ramos, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Agnew called the meeting to order at 9:00 a.m.

The Pledge of Allegiance was given to the Flag.

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- 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1290 and P04-1292.) (The applicant requests further continuance to March 3, 2005 and staff concurs.)* 14
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- 6a. **PLANNING CASE P04-1513 (Continued from February 3, 2005):** Proposed conditional use permit by RHL Design Group Inc. on behalf of Chevron/Texaco to remodel an existing automotive service station on approximately 1.14 acres at 3390 La Sierra Avenue, situated on the southerly corner of La Sierra and Indiana Avenues, in the C-2-X-Restricted Commercial and Building Setback Combining Zone. *(This case to be heard concurrently with case P04-1514.) (Staff requests continuance to March 3, 2005.)* 14
- 6b. **PLANNING CASE P04-1514 (Continued from February 3, 2005):** Design Review (site plan and building elevations) of a proposal by RHL Design Group Inc. on behalf of Chevron/Texaco to remodel an existing automotive service station on approximately 1.14 acres at 3390 La Sierra Avenue, situated on the southerly corner of La Sierra and Indiana Avenues, in the C-2-X-Restricted Commercial and Building Setback Combining Zone. *(This case to be heard concurrently with case P04-1513.) (Staff requests continuance to March 3, 2005.)* 15
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- freestanding sign with a sign area of 250-square-feet and nine lines of copy along Chicago Avenue, where the Zoning Code allows a maximum 25-foot high, double-face freestanding sign with a maximum sign area of 100-square feet and three lines of copy; 2) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along University Avenue, where the Zoning Code allows a 6-foot high, double-face freestanding sign with a maximum sign area of 25-square-feet and two lines of copy. 16
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- 11a. **PLANNING CASE P04-1558:** Proposed rezoning by Fidelity Homes Inc. on behalf of Michael and Heather Wells to amend the Municipal Code (Title 19) to rezone approximately .89 acres developed with a single family residence and accessory structures at 3985 Strong Street, situated on the northerly side of Strong Street, west of the Springbrook Storm Drain Channel, from the RR-Rural Residential Zone to the R-1-65 - Single Family Residential Zone. *(This case is being heard concurrently with P04-1559 and P04-1560.)* 23
- 11b. **PLANNING CASE P04-1559:** Proposed Tract Map 32293 (revised) by Fidelity Homes Inc. on behalf of Michael and Heather Wells, to add approximately .89 acres and 8 lots to the previously approved tract map, situated on the northerly side of Strong Street, west of the Springbrook Storm Drain Channel in the RR-Rural Residential (tentative R-1-65) Zone. The revised map proposes the division of approximately 11 acres into 84 residential lots. *(This case is being heard concurrently with P04-1558 and P04-1560.)* 23
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- 13b. **PLANNING CASE P04-1478:** Proposed rezoning by Withee Malcolm Architects on behalf of Lard Investments L.P. to amend the Municipal Code (Title 19) to rezone approximately 4.42 acres developed with several abandoned accessory buildings located at 4826 Van Buren Boulevard, situated on the westerly side of Van Buren Boulevard southerly of Wells Avenue, from the R-1-65 Single Family Residential Zone and the C-2 - Restricted Commercial Zone to the R-3 Multiple Family Residential Zone. *(This case is being heard concurrently with Planning Cases P04-1476 and P04-1477.) (The applicant requests continuance to March 3, 2005 and staff concurs.) 27*
- 14a. **PLANNING CASE P04-1094 (Continued from January 20, 2005):** Proposed General Plan Amendment by Watt Developers to amend the land use designation of approximately 20 acres developed with a drive-in theater, situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue from the PKO Other Recreation to RMD Medium High Density Residential . *(This case is being heard concurrently with Planning Cases P04-1095, P04-1444, P04-1445 and P04-1446). 28*
- 14b. **PLANNING CASE P04-1095 (Continued from January 20, 2005):** Proposed rezoning by Watt Developers to amend the Municipal Code (Title 19) to rezone approximately 20 acres of land developed with a drive-in theater, situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue, from the R-1-65 - Single Family Residential Zone to the R-3- 40 Multiple Family Residential Zone. *(This case is being heard concurrently with Planning Cases P04-1094, P04-1444, P04-1445 and P04-1446) 28*
- 14c. **PLANNING CASE P04-1444 (Continued from January 20, 2005):** Proposed Tract Map 32659 by R.T. Quinn and Associates on behalf of Watt Developers to subdivide approximately 20 acres of land developed with a drive-in theater for condominium purposes to facilitate the development of a 206-unit small lot single family residential development, situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue in the R-1-65 -Single Family Residential Zone (Proposed R-3-40 - Multiple Family Residential Zone). *(This case is being heard concurrently with Planning Cases P04-1094, P04-1095 P04-1445 and P04-1446). . . . 28*
- 14d. **PLANNING CASES P04-1445 and P04-1446 (Continued from January 20, 2005):** Proposed planned residential development and the design review of a plot plan and building elevations by Watt Developers to establish a 206 unit small lot single family residential planned residential development together with parking, private and amenitized common open space areas on approximately 20 acres of land developed with a drive-in theater situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue, in the R-1-65 - Single Family Residential Zone (Proposed R-3-40 - Multiple Family Residential Zone). *(These cases are being heard concurrently with Planning Cases P04-1094, P04-1095 and P04-1444). 28*
15. **PLANNING CASES P04-1534 & P04-1536 (Continued from February 3, 2005):** Proposed revised conditional use permit and the design review of a revised plot plan and building elevations by HYC Ltd. Architecture on behalf of Parkview Community Hospital to install a 9,600 square-foot modular administrative office building and complete related minor modifications to existing on-site parking and circulation on approximately 12 acres developed with an existing community hospital facility consisting of three buildings totaling approximately 155,000 square feet at 3865 Jackson Street, situated on the easterly side of Jackson Street, southerly of Garfield Avenue, in the R-1-65 - Single Family Residential Zone. 32
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- and 4th Streets, in the DSP-RC - Downtown Specific Plan - Raincross District. *(These cases are being heard concurrently with Planning Case P05-0035)* 33
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19. **PLANNING CASE P04-0912:** Proposed Tract Map No. 32646, a proposal by M.R. South Partners, L.P. to subdivide 80.44 acres into 96 residential lots and 2 open space/detention basin lots located at the southwest corner of Chicago Avenue and Krameria Street in the R-1-125-SP Single Family Residential - Orangecrest Specific Plan Combining Zone and the R-A-SP Residential Agricultural - Orangecrest Specific Plan Combining Zone. *(This case is related to P04-1238).* 42
- 20a. **PLANNING CASE P05-0006 (Continued from February 3, 2005):** Proposed Specific Plan Amendment by Century American Development Corporation to amend the Orangecrest Specific Plan to incorporate Proposed Tract Map 32997 and to establish site development standards for the 38.6 acres of land located at the southeast corner of Chicago Avenue and Krameria Street within the R-1-125-SP Single Family Residential Zone - Orangecrest Specific Plan Combining Zone. *(This case is being heard concurrently with P04-1372-T32997).* 45
- 20b. **PLANNING CASE P04-1372 (Continued from February 3, 2005):** Proposed Tract Map 32997, a proposal by Century American Development Corporation to subdivide approximately 38.6 acres of land into 96 residential lots and one open space/detention lot located at the southeast corner of Chicago Avenue and Krameria Street in the R-1-125-SP Single Family Residential - Orangecrest Specific Plan Combining Zone. *(This case is being heard concurrently with Planning Case P05-0006 - Orangecrest Specific Plan Amendment)* 45
21. **PLANNING CASE P04-0913:** Proposal by the Woodcrest Christian School System to change the street name for a portion of Dauchy Avenue between Van Buren Boulevard and a point approximately 1,260 feet south from Dauchy Avenue to Royal Drive. 47
- 22a. **PLANNING CASE P04-1531:** Proposed conditional use permit by Dennis Tanida, on behalf of Neil Bhakta, to expand a non-conforming use by adding a 1, 011-square-foot, second story, storage room to an existing motel “Thunderbird Motel” on approximately .69 acres at 2711 University Avenue, situated on the northerly side of University Avenue between Victoria Avenue and Comer

	Street, in the C-2-SP – Restricted Commercial and University Specific Plan Combining Zone. <i>(This case is to be heard concurrently with Planning Case P04-1532)</i>	49
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23.	<u>PLANNING CASE P04-1565:</u> Proposed environmental review of a proposal by the City of Riverside Public Works Department to extend sanitary sewer treatment services to the Highgrove Community for three areas including 70 acres adjacent to Main Street between approximately 380 feet northerly of Carter Avenue and Placentia Lane, approximately 200 acres generally bounded by Orange Street on the west, State Route 91/Interstate 215 to the east, Nash Street on the south and the Riverside/San Bernardino County line on the north and approximately 2,230 acres generally bounded by State Route 91/Interstate 215 on the west, the Box Springs Mountains on the east, the Riverside/San Bernardino County line on the north and Riverside City limits on the south.	52
24.	<u>NOTICE OF PROPOSED AMENDMENT TO TITLE 19 OF CITY CODE (ZONING)</u> <u>PLANNING CASE P04-1369:</u> Proposal of City of Riverside to amend the Zoning Ordinance (Title 19 of the Municipal Code) by revising Chapter 19.65 (Planned Residential Developments) to allow for the clustering of permitted residential units between single family zones occurring within the limits of a PRD for single family residences.	54
25.	<u>PLANNING CASE P04-0178:</u> Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.	56

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PLANNING/ZONING MATTERS FROM THE AUDIENCE

There were none.

CONSENT CALENDAR

1. **PLANNING CASE P04-1574:** Time extension request of Theodore Bates, on behalf of the Riverside Congregation of Jehovah's Witnesses, Magnolia Branch, for a conditional use permit (formerly CU-038-012) to establish a 5,000-square-foot religious assembly building and convert an existing 2,437-square-foot building into a residential care takers unit with a new, detached two-car garage on 2.63 acres located at 6674 Arlington Avenue, situated on the south side of Arlington Avenue between Monroe Street and Texas Avenue in the R-1-65 — Single Family Residential Zone.
2. **PLANNING CASE P04-1544:** Proposal by MBK Homes for a one-year time extension for Planned Residential Development PD-006-023, an approved 30 unit planned residential development consisting of 30 three and four bedroom single family detached residences together with parking, private and common open space on approximately 4.27 acres of vacant land at 6259 La Sierra Avenue, situated on the easterly side of La Sierra Avenue, southerly of Arlington Avenue, in the R-1-65 - Single Family Residential Zone.

MOTION MADE by Commissioner Densmore, **SECONDED** by Commissioner Kurani, **TO APPROVE** the Consent Calendar.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedure.

UNAPPROVED DRAFT MINUTES

DISCUSSION CALENDAR

3. **PLANNING CASE P04-1039:** Proposed Environmental Initial Study of a grading plan by Loren Brucker on behalf of Elmer Marroquin to create an approximately 11,000 square-foot split level building pad to accommodate an approximately 4,054 square-foot, two-story single family residence on approximately 0.78 vacant acres located at 4737 Indian Hill Road, situated on the northwesterly side of Indian Hill Road, northerly of Mission Inn Avenue, in the RC - Residential Conservation Zone. Related deviations to the Grading Ordinance may be considered. *(This project also involves Certificate of Appropriateness and Variance applications, Planning Cases P04-0753 and P04-1232)*

Jennifer Walker, Assistant Planner, presented the staff report.

Loren Brucker, representing Elmer Marroquin, stated that he never said he objected to an EIR. He stated it is staff's decision and he is aware he has to comply with what is decided here today. He commented that they have tried to be as cooperative as possible in working with staff on this project. He noted that the staff report as written implies that certain reports they were asked to do are incomplete. He informed the Commission that is correct; however, at the time they had them done the issues started to expand with regard to environmental and it became very evident to him that they were going to be asked to do an environmental impact report and, therefore, they did not complete those studies as it was going to all be wrapped up in the environmental. He clarified that they did not intentionally not complete the report.

Commissioner Leonard asked the applicant if staff has discussed with them what all is involved in an environmental impact report.

Mr. Brucker stated yes.

Commissioner Norton noted that the Commission was just handed a last minute letter and she asked that the applicant receive a copy.

Yvonne Wood stated that she is by profession a soil geomorphologist and has interest in this plot as it is on one of her usual birding routes. She stated she could see that part of this project would be located on an ancient landslide, which means that there are specific hydro logic issues the Commission needs to know about as far as the slip plane under that landslide. She indicated that it is visible now where that landslide is already producing water at its downslope because on some of the aerial photographs you can see there is vegetation on the property side of the bike path. She stated that is one reason this particular site shows the 31% slope; this is the least slope on that hills slope, most of them are 40% or greater. She stated another issue she sees is the fact when you look at an arroyo or a stream, you always include in the watershed the hill slopes. The only hill slope left for this portion of Springbrook is this hill slope here, that has not been built on. It carried a heavy burden of either increasing sedimentation into that if you allow building on it or you do not control how the building is done. In that issue she thinks there is potential for looking for the arroyo chub in this area; it meets a lot of the description of the site as well as Santa Ana Sucker. She has talked to several experts just recently on the Santa Ana Sucker and they said they have interest in looking at this region for that habitat. She suggested that in relationship to this hillslope the Coastal Sage Scrub should be looked into along with other plant communities. She also noted that there are a number of species of animals in the region that should be considered.

Chairman Agnew asked Ms. Wood if she feels an EIR is appropriate.

Ms. Wood stated yes.

Linda Goodman, resident on Indian Hill Road, stated that the project will have a great impact on the environment of the neighborhood as well as birds, plants, and animals that they see all the time. She explained that they do have a lot of animals that live down in the riverbottom such as coyotes and flocks of birds. She stated that the neighborhood has such a narrow road that the US Postal Service will not even come down there. The road is narrow enough for only one car to travel. She commented that the neighborhood is not ready at this time for this kind of development.

Jod Frendes, resident on Indian Hill Road, concurred with Ms. Goodman's comments.

William Linstrom, 4750 Indian Hill Road, stated that when he built here in 1961 and 1962, he complied with all the restrictions that applied; even though they did not make him happy in every case, he is living with it. In this case where they are wanting to have exceptions to the ordinances that exist, he still thinks there has to be a very dominating reason for any change and he does not think he heard there is a right of way to widen the street there and he does not approve of any giving up that right of way to the new owners of the property. He stated since he complied, he wishes the present property owner would also comply.

Molly Morris, resident on Indian Hill Road, noted that the Commission has a copy of her letter. She encouraged the Commission to read all the letters from the neighbors. She noted that she and her neighbors are part of the Mt. Rubidoux Historic District and they have certain guidelines for setback and height requirements. They ask that the Commission consider all of the time and work that went into the Mt. Rubidoux Historic District Guidelines some years ago so as to protect the integrity of the neighborhood.

Commissioner Leonard stated the General Plan designation is Medium Density Residential, but the zone is RC. He commented that is quite a variance between the General Plan and zoning for this area. He stated noting that there has been no development on this side of the street, is staff aware of any efforts the City has made to perhaps even look at funding to acquire these properties for expansion of park space.

Mr. Hayes stated not to his knowledge.

Commissioner Leonard stated his concern is that we are dealing with a single family, legally established lot. An EIR brings in the Federal, State, and regional governments into the review and on a larger scale that is quite appropriate. He stated he just wonders if we cannot handle this through building the content of what would normally be in an EIR through special studies. He can see there is a number of issues relating to this that are all legitimate. He asked is there a basis at which if the applicant complied entirely with the RC Zone that the level of environmental review would be less or is it because it is the RC Zone that level is there, regardless of the proposal.

Mr. Hayes stated he believes it is a combination of issues and not just the fact that variances are being requested. He commented that the EIR also allows them the opportunity to do, as mentioned earlier, a study of cumulative impacts and also to look at the project alternatives.

Commissioner Leonard stated he would lean towards having the applicant take a long term continuance and prepare, starting with the issues, a phase two archaeology, which is quite an effort in itself. It is more than just looking at the surface of the soil, it is digging and doing a substantial amount of investigation sub-surface on this site. He stated he was involved on the BZA when the other site nearby was up for review on the old Indian Village site and this is in close proximity; it is highly likely there would be some effects relating to that. He referred to slippage, noting that it is a 31 ½% slope, which is substantial. He suggested beefing up the

biological study to make the findings that are necessary and doing a traffic analysis, not so much with trip generation, but for what is the condition of the street out here and is it appropriate for development on lots that are already illegally established.

Commissioner Stephens agreed and stated that he does not think the Commission should be giving EIR requests for properties less than an acre, knowing that there are significant impacts. He stated that he would like to move for a continuance of six months to give the applicant the chance to either do the technical studies or at least review the full impacts of doing an EIR, both from the applicant's point of view and the City's point of view of going through that process.

Mr. Hayes stated with regard to that approach, staff believes that it may get them to the same point at the end of the day. He explained that the advantage of doing an environmental impact report is that there are other interested parties that could potentially jump on the band wagon here so that there could be more thorough analysis of cumulative impacts and alternatives analysis. He stated that generally got staff to the point of recommending preparation of an EIR. He stated should the Commission choose to go the route of doing more focus studies in lieu of an EIR, staff would recommend with regard to aesthetics and land form alterations that a photo simulations and the full view shed analysis with site lines be prepared as well so staff could get a much better idea of the aesthetic impacts this project would have.

Ken Gutierrez, Planning Director, stated that there are some advantages to doing an EIR. Staff does not come to these conclusions lightly as staff does not need the extra work of doing an EIR and it is very unusual for staff to recommend an EIR for a project of this size. He explained that to staff it is not the matter of the size of the project, but the scope of the sensitivity of the land where it is. He stated another advantage of doing an EIR is if those studies come back and the impacts cannot be mitigated to a level of less than significant, we'd have to go back and do an EIR anyway; doing an EIR, you have already been through that process. He stated that another advantage of doing an EIR is you have a single consultant who can manage a number of these studies and have better look at the cumulative impacts and the alternatives; also, it is a project that the City controls. The City hires the consultant based upon the applicant's money, rather than the applicant going out and hiring studies directly.

Commissioner Stephens commented that there are some serious issues with this site. He asked what if the geo-technical study identified that there was no mitigation for a 30% slope and slippage. He explained that in terms of timing, he agrees that we might end up at the same point after six months, but the time and the cost and the effort might be significantly less. He feels doing these studies might identify that the cost benefit assessment for the project did not pencil out very quickly. He commented that he is not opposed to doing an EIR with any project if it warrants in scope, but if we are talking about one lot and the value of the lot is six digits, but the EIR costs six digits plus, it is pretty obvious it is not going to happen.

Commissioner Densmore asked if this is the only buildable lot where it is conceivable that somebody could build on that particular slope. Could the EIR extend to other perhaps potentially buildable lots along that road and slope?

Mr. Hayes stated yes, there is the potential that it could include other properties. In looking at the aerial photo, it appears there are three or four other lots on either side of this that could potentially be developed.

Commissioner Densmore stated the report states that the Cultural Heritage Board was to review this on the 16th and he would like to hear what happened at this meeting. He stated even if the Commission was to go along with the EIR and everything works out and there are mitigating factors for birds and slippage and whatever, it still does not address some of the variance issues.

Mr. Hayes stated the project as a matter or process would come back to the Commission at some point to consider those elements.

Commissioner Densmore commented that it seems like a lot of work and a big expense.

Ms. Walker informed the Commission that the Cultural Heritage Board evaluated the cultural resources section and concurred with staff's determination. The Board felt there were pretty significant potential impacts with regard to archaeological issues, view sheds and the presence of a house in this district where has never been any development.

Commissioner Densmore stated he agrees with the continuance.

Commissioner Leonard stated he agrees with the comments made. He referred to the trail at the south end and the need to protect the appearance and environment of using that trail as a recreational facility, which would create the need for some kind of landscaping treatment that would be address as an environmental effect to address aesthetic issues. He agreed with Commissioner Stephens that there are likely to be some issues that shake out very soon that makes the applicant aware that maybe this is not a project worth pursuing. He commented that he supports the motion for a six-month continuance to conduct the analysis and go from there.

Commissioner Kurani agreed.

Mr. Brucker stated they had a meeting in November and were told that it was headed for an EIR. He stated he would like to think about what fashion they want to proceed in. He stated it appears to him that staff has not informed the Commission that there is another property owner that owns three parcels. He has met with him and has been in contact; the fact of being able to share in some of these costs has been discussed and it is a strong possibility. He noted that this property owner is present today.

Commissioner Stephens advised the applicant that doing an EIR does not guarantee that the project will be approved. He feels that six months gives the applicant some time to assess the risks involved with that application coming back considering the variances requested, the opposition from the neighborhood, and questions the Commission may have about the compatibility of this project in that area.

Mr. Brucker stated he agrees and understands. He explained that he just wants to think about it. He stated that when they started the project they were working with these variances because they felt they enhanced the project. Since they started the project, they have gotten a significant amount of input from the community. It has come to his attention that the people in the neighborhood really do not want any houses built there, they want it to be a park. He stated he could go through this process and not do the EIR and if they are forced through the community activists, they could end up still doing it. He is not saying they want to do it, he would just like a little time to discuss it with his property owner and the other property owner.

Mr. Gutierrez stated he feels it is important to review the options. He stated that staff brought to the Commission a memo dealing with the environmental issues. The Commission could ask for a full staff report on the variance and the grading. At that point, the Commission could say no and there would be no need for any environmental work. If the variance is denied there is no need for the EIR. If the Commission wanted to say yes, then they could go on and have the option of whether the study would be done or whether it be an EIR. He stated that staff's advice to the applicant in November was that an EIR is appropriate; staff's advice today is an EIR is the way to go and staff's recommendation to the Commission is if they want to move forward with these cases and consider the environmental impacts, then an EIR will be done.

Mr. Brucker stated he would like to talk to Mr. Gutierrez about this a little more.

MOTION MADE by Commissioner Singletary, **SECONDED** by Commissioner Brown, **TO CONTINUE** P04-1039 to the meeting of March 17, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

PUBLIC HEARINGS

- 4a. **PLANNING CASE P04-0803 (Continued from January 20, 2005):** Proposed Tract Map 32476 by CSL Engineering on behalf of the Merickel Companies to subdivide approximately 23 acres of vacant land into 34 lots for the future development of single family residences, situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue, in the RC - Residential Conservation and R-1-65-Single Family Residential Zones. *(This case is being concurrently heard with Planning Case P04-0967.) (The applicant requests further continuance to the March 3, 2005 meeting and staff concurs.)*
- 4b. **PLANNING CASE P04-0967 (Continued from January 20, 2005):** Proposed general plan amendment by CSL Engineering on behalf of the Merickel Companies to amend the General Plan land use designation for approximately 8.8 acres of vacant land situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue from RHS - Hillside Residential to RLD - Low Density Residential. *(This case is being heard concurrently with Planning Case P04-0803.) (The applicant requests further continuance to the March 3, 2005 meeting and staff concurs.)*
- 5a. **PLANNING CASE P04-1289 (Continued from February 3, 2005):** Proposed conditional use permit by Terry Talley on behalf of Neal T. Baker Enterprises to construct an approximately 2,100 square foot fast food restaurant with a drive thru "Baker's" on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1290 and P04-1292.) (The applicant requests further continuance to March 3, 2005 and staff concurs.)*
- 5b. **PLANNING CASE P04-1290 (Continued from February 3, 2005):** Proposed conditional use permit by William Navigato to construct and operate an approximately 2,244 square foot automotive oil change facility "Grease Monkey" on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blain Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1292.) (The applicant requests further continuance to March 3, 2005 and staff concurs.)*
- 5c. **PLANNING CASE P04-1292 (Continued from February 3, 2005):** Design Review of Plot Plan and Building Elevations by Terry Talley on behalf of Neal T. Baker Enterprises for an approximately 2,100 square foot fast food restaurant with a drive thru and an approximately 2,244 square foot automotive oil change facility "Grease Monkey" on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1290.) (The applicant requests further continuance to March 3, 2005 and staff concurs.)*
- 6a. **PLANNING CASE P04-1513 (Continued from February 3, 2005):** Proposed conditional use permit by RHL Design Group Inc. on behalf of Chevron/Texaco to remodel an existing automotive service station on approximately 1.14 acres at 3390 La Sierra Avenue, situated on the southerly corner of La Sierra and Indiana Avenues, in the C-2-X-Restricted Commercial and Building Setback Combining Zone. *(This case to be heard concurrently with case P04-1514.) (Staff requests continuance to March 3, 2005.)*
- 6b. **PLANNING CASE P04-1514 (Continued from February 3, 2005):** Design Review (site plan and building elevations) of a proposal by RHL Design Group Inc. on behalf of Chevron/Texaco to remodel

an existing automotive service station on approximately 1.14 acres at 3390 La Sierra Avenue, situated on the southerly corner of La Sierra and Indiana Avenues, in the C-2-X-Restricted Commercial and Building Setback Combining Zone. *(This case to be heard concurrently with case P04-1513.) (Staff requests continuance to March 3, 2005.)*

- 7a. **PLANNING CASE P05-0005 (Continued from February 3, 2005):** Proposed rezoning by A.A. Webb on behalf of Thompson-Kimmel Land Company to amend the Municipal Code (Title 19) to rezone approximately 1.6 vacant acres, situated on the northwesterly corner of El Cerrito Drive and Sycamore Canyon Boulevard, from the R-3-Multiple Family Residential Zone to the R-1-65-Single Family Residential Zone. *(This case is being concurrently heard with Planning Case P04-1516)*
- 7b. **PLANNING CASE P04-1516 (Continued from February 3, 2005):** Proposed Tract Map 32820 by A.A. Webb Associates of behalf of Thompson-Kimmel Land Company, to subdivide approximately 21 vacant acres into 44 lots for single family residential purposes, situated on the northwesterly side of El Cerrito Drive, southwesterly of State Highway 60 in the R-1-65 -Single Family Residential, R-1-80-Single Family Residential and R-3-Multiple Family Residential Zones. *(This case is to be heard concurrently with Planning Case P05-0005)*

MOTION MADE by Commissioner Singletary, **SECONDED** by Commissioner Brown, **TO CONTINUE** all of the above cases to the meeting of March 3, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

UNAPPROVED DRAFT MINUTES

8. **PLANNING CASE P04-1031 (Continued from January 20, 2005)**: Proposal of Eddy Sutiono, on behalf of the Sugarbush Properties, for variances related to the installation of two freestanding signs on 18 acres developed with a commercial center, "University Town Center", at 1756 University Avenue, situated on the southwest corner of University and Chicago Avenues, in the C-2 – Restricted Commercial Zone. **Variances requested:** 1) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along Chicago Avenue, where the Zoning Code allows a maximum 25-foot high, double-face freestanding sign with a maximum sign area of 100-square feet and three lines of copy; 2) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along University Avenue, where the Zoning Code allows a 6-foot high, double-face freestanding sign with a maximum sign area of 25-square-feet and two lines of copy.

Robert Laag, Assistant Planner, presented the staff report.

Commissioner Kurani expressed his concern that the sign he sees before him does not excite him. He would prefer to see an exhibit that better reflects what the sign will look like.

Commissioner Brown asked if staff anticipates any changes to the Sign Code with the new General Plan.

Ken Gutierrez, Planning Director, stated that the City is reviewing a new sign code at this time; as a matter of fact, the Planning Commission has approved the draft version of the new sign code, which has been sent to outside legal counsel to make sure it stands up to first amendment challenges. It does propose some changes and would not allow this sign. This would still be a variance under the new sign code.

Eddy Sutiono, 6399 Wilshire Boulevard, Los Angeles, stated that after the last meeting they have been working diligently with staff to come up with a more appropriate size and design. He stated that they agree with the conditions of approval except for the height.

Commissioner Stephens stated that right below the town square oval there are some little dashed lines.

Mr. Sutiono indicated that is the lighting.

Commissioner Densmore stated he feels this sign is so close to being acceptable, but the Commission needs to hear some meat why they need just a little more than what the Sign Ordinance allows. He explained that the Commission is concerned with setting a precedent.

Mr. Sutiono stated they need a little more line of copy since the center has multiple tenants. They feel they need more signage for the major tenants.

Commissioner Densmore explained that he needs more justification.

Mr. Sutiono explained they feel this size is necessary due to the number of tenants in the center and the traffic and rate of speed they will be traveling. He noted that they have also consulted with a consultant.

Commissioner Densmore asked if the consultant is a sign manufacturer.

Mr. Sutiono stated yes.

Commissioner Brown expressed his concern that either our signage codes are wrong or applicant's must comply with the Code.

Commissioner Leonard complimented the applicant for a change on the efforts he is making at this shopping center. He commented that it is the first meaningful re-design of a center that has been a wreck for a number of years. He is hoping before too long they will be able to find a new tenant for Building 12. He asked Mr. Sutiono if has any ideas of how this area is going to develop out at the back of this center.

Mr. Sutiono stated that at this moment they have not come up with anything; however, they are looking into creating a mixed use project.

Commissioner Leonard stated this is the first time he has seen the elevations of the entire center with this packet and it is the first time he has been able to relate the sign plan to the rest of the center. He feels the applicant is very close in terms of finding a way to get this sign program established.

Commissioner Norton referred to the new sign code that is to be approved fairly soon and asked staff to remind her how it deals with the lighted cabinet-type sign. She stated as she recalls, the exterior signs of the Riverside Plaza are not lighted; the lighting is on the building in creative ways such as Islands.

Clara Miramontes, Senior Planner, explained that anything that is an attention-getting device or anything on the sign for the purposes of advertising, including lighting, is considered to be signage. She stated in this case it is an illuminated architectural element and still considered part of the sign. She referred to the top portion on the top of the sign, stating that is considered part of the overall square footage of the sign, which adds an additional 38 square feet onto the sign. Without that architectural element and the copy, they sign would actually be under 100 square feet. Because of that, we have to consider it as signage and whether justifications by staff is the addition of that architectural element with the copy that tips over the maximum allowable square footage. Other than that, the height is allowed under Code, except for the lines of copy and the overall square footage of the sign because of the architectural element with the logo, which is part of the sign.

Commissioner Norton asked for clarification that this is reflected in the new sign code.

Ms. Miramontes stated that is the new and current sign code.

Hubert Lee Burn, speaking on behalf of Sugarbush Properties, thanked the Commission and staff for allowing them to work with this. He explained that the sheer volume of property, the frontage that they have is over 1,300 linear feet on Chicago and over 530 on University. He stated if you look at Exhibit 2 on the General Plan you can see that the property in question, there is nothing even remotely close to this as far as frontage with the rest of the properties in that area whether it be immediate or several blocks down. He stated they have a consideration for a property here that is very large, now they are going to upgrade that property to essentially impact that area, immediately, as soon as they finish what they are doing there with the additional space and with the facade remodel. It is going to impact the entire area on a very positive level. He stated that a lot of the area might even decide to do other things. He explained that what they are looking for here is something that will invalue the success of the center along with each individual tenant. He noted that they have probably 8 to 12 spaces there that are close to 10,000 square feet. These large tenants are going to need that type of visual sign for customer accessibility. He explained that the only reason they would request a variance is because of the sheer linear footage that nobody else could acquire. They felt that what they worked out was

appropriate with regards to a 4 foot 4 inch variance with regards to height on the monument sign and the number of lines, which they feel based on the amount of tenancy involved they were not creating an issue.

Following further discussion the public hearing was closed.

Commissioner Stephens stated the original application was inappropriate as it had 25 signed names on it. He feels this one is pretty marginal and we are withing percentage points of being within the Code and it is partly based on an interpretation of the type of lettering and shape of sign, et cetera.

MOTION MADE by Commissioner Stephens, **SECONDED** by Commissioner Densmore, **TO APPROVE** P04-1031, subject to the recommendations and conditions of staff, with the findings provided by the applicant and the testimony today. Commissioner Stephens stated also based on staff's comment that on the size of this center and the fact that this sign is a lot more attractive than the original application.

Commissioner Leonard stated he is going to support the motion because he feels the applicant has made their case. They have gone a long way in terms of perfecting the sign from the original submittal. He stated that staff has come forward with some exceptional circumstances. He added that the extended length of the frontage along Chicago Avenue both in terms of scale and distance from the corner to the south of the site justifies some slighting improved sign rights over what the Code allows. He stated that this property is of about 18 acres in size, which nearly double the area of a typical commercial center, allowing the same sign rights. He also added that this sign served to unify the overall center, both in relating to the architecture of the center and providing adequate signage for future tenants.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Singletary, Stephens

NOES: Norton

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedures.

UNAPPROVED DRAFT MINUTES

9. **PLANNING CASE P04-1407 (Continued from February 3, 2005)**: Proposed conditional use permit by Leslie Huscher on behalf of Big Springs School to establish a private school for a maximum of 20 learning impaired children grades Kindergarten through Sixth Grade within an existing office building on approximately 0.82 acres at 1189 Iowa Avenue, situated on the northwest corner of the intersection of Iowa and Columbia Avenues, in the MP - Manufacturing Park Zone.

Clara Miramontes, Senior Planner, presented the staff report. She noted that a letter of opposition was received from the Riverside Chamber of Commerce, not in support of this use due to land use compatibility issues.

Commissioner Densmore inquired as to whether staff consulted experts that were able to say that within a day's time, attention deficit disorder children or children of any kind are going to be able to get rid of all their excess energy and be able to focus with only a seven by seven (75 square feet) area to run around in.

Ms. Miramontes stated staff did not consult an attentional deficit expert. She stated that typically for even a child care there is a requirement by the State that there be at least 75 square feet of play area for each child. In this instance, the applicant has indicated that there would be a maximum of eight children within the indoor playground area anytime, so staff did take a look at that and based on 8 children within a 600 square foot area would be appropriate. She noted that it is actually slightly over 75 square feet per child.

Commissioner Norton asked for a further definition of "learning impaired".

Leslie Huscher, 1189 Iowa, stated the school address is still 190 E. Big Springs. She stated that she would consider herself an expert in the field as this is what she does for a living. She has been an educator since 1984 in a variety of capacities; she has her masters degree in Special Education. She stated that the school is just part of their center. She explained that they do assessments for learning disabled, which is dyslexia, language base, visual, occupational therapy, all encompassing evaluation. That is primarily what she does including administrate. Another section of the center is educational therapy. After they test a child or adult, they design a remedial plan for them based on their areas of deficit and remediate those areas; it could be in math, language arts, speech and language, vision, sensory/motor integration, etc. She stated that some of their students have disabilities that impact them to such a degree that they cannot maintain efficiency in a traditional classroom such as a public or private school. Each child that comes to them is evaluated by their center and they design a program that is appropriate for them. She noted that it is a more restrictive environment, by all means it is. The parents and school districts know that it is more restrictive. She explained that one of the things they are giving up is a large social base, peer interactions, and also a large playground/P.E. program. They know they are there to remediate their educational needs. They usually tell people the program is two to three years and the goal is to mainstream them back into a regular program. She explained that their needs are to the extent, a variety of different needs. She explained that they do not have traditional recess because recess for most of their kids is not a good time. They do not have the language skills and the peer interaction so they get into trouble. A lot of them cannot play on playground equipment due to their sensory needs or cannot engage in group activities because they cannot follow the rules due to the fact they cannot process them quickly. She stated that they do realize that all their kids do need motor breaks throughout the day; however, they do not work for two hours before taking a break. They work for as long as the student can maintain, then they take a break. Then it depends on the child's skill level to determine what type of break they need. She explained that they have been looking for a building for a year and a half because they have outgrown the facility they are in. It was a very difficult task to do. They were intrigued with this property because it is much better. It is already set up because the University of La Verne was there before and the park is right there. She stated

when they are able to take motor activities, gameplaying with an adult, they have accessibility to the park; however, they do not use the park all the time.

Commissioner Densmore asked Ms. Huscher if she as an educator were to design the school of her choice, would this location be where she would put it.

Ms. Huscher state yes and no. She explained that she would because of the park, but would not due to its location. She would prefer it be more centralized in Riverside as she has contracts from all the schools in its surrounding districts.

Commissioner Densmore stated he is still concerned about the recreational area. He asked the applicant if she would design a larger play area.

Ms. Huscher stated she likes the indoor playground because a lot of their kids also have allergies and cannot go out at certain extreme temperatures; they can control the environment inside. She stated that she would like to have it bigger inside.

Commissioner Leonard referred to the hours of operation and asked the applicant what is the length of time typically that a student will be at the premises.

Ms. Huscher stated the school goes from 8:15 to 2:15 p.m., but the center is open until 7:00 p.m.

Commissioner Leonard asked what is the difference between the school and the center activities.

Ms. Huscher explained that school is full time; the students are there the whole time. With educational therapy the students come throughout the day and they come one hour a day, two or three times a day depending on their remedial plan and what they are doing. They also come on Saturdays as well.

Commissioner Leonard inquired as to how the students will get to the park.

Ms. Huscher stated they will have to have a crossing guard, who will be one of their staff. There is a light and a crosswalk and the students will be accompanied by adults. Currently, there are three adults per 12 kids when they go on walking club.

Commissioner Brown asked the applicant how much time they spent looking for a location.

Ms. Huscher stated they have gone through three realtors and also searched individually.

Chairman Agnew asked Ms. Huscher if she agrees tot he conditions of approval.

Ms. Husher stated yes.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO APPROVE** P04-1407, subject to the recommendations and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION FAILED by a vote of 5 ayes to 3 noes.

AYES: Agnew, Densmore, Kurani, Singletary, Stephens

NOES: Brown, Leonard, Norton

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew noted that the motion failed to meet the two-thirds approval requirement. He advised of the appeal procedure.

10. **PLANNING CASE P04-1493 and P04-1494:** Proposed Parcel Map 33033 and design review case by Robert Porter on behalf of Ed Bonanni, to subdivide approximately 4.3 acres into 8 parcels for industrial purposes and construct 8 industrial buildings, situated on the west side of Doolittle Street, south of Morris Street in the MP- Manufacturing Park Zone.

Mike Coyazo, Senior Planner, presented the staff report.

The Commission expressed concern that they usually receive more material proponents such as color samples or material boards and that it would be hard to make a decision on a design review case today without that information.

The applicant and developer were present and addressed the Commission.

Following discussion the Commission made the following motion:

MOTION MADE by Commissioner Agnew, **SECONDED** by Commissioner Stephens, **TO CONTINUE** the above cases to the meeting of March 3, 2005.

MOTION PASSED by a vote of 5 ayes to 3 noes.

AYES: Agnew, Densmore, Kurani, Singletary, Stephens

NOES: Brown, Leonard, Norton

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

UNAPPROVED DRAFT MINUTES

- 11a. **PLANNING CASE P04-1558**: Proposed rezoning by Fidelity Homes Inc. on behalf of Michael and Heather Wells to amend the Municipal Code (Title 19) to rezone approximately .89 acres developed with a single family residence and accessory structures at 3985 Strong Street, situated on the northerly side of Strong Street, west of the Springbrook Storm Drain Channel, from the RR-Rural Residential Zone to the R-1-65 - Single Family Residential Zone. *(This case is being heard concurrently with P04-1559 and P04-1560.)*
- 11b. **PLANNING CASE P04-1559**: Proposed Tract Map 32293 (revised) by Fidelity Homes Inc. on behalf of Michael and Heather Wells, to add approximately .89 acres and 8 lots to the previously approved tract map, situated on the northerly side of Strong Street, west of the Springbrook Storm Drain Channel in the RR-Rural Residential (tentative R-1-65) Zone. The revised map proposes the division of approximately 11 acres into 84 residential lots. *(This case is being heard concurrently with P04-1558 and P04-1560.)*
- 11c. **PLANNING CASE P04-1560**: Proposed revised planned residential development by Fidelity Homes Inc. on behalf of Michael and Heather Wells, for 8 two-story units together with parking, private and common open space on approximately .89 acres at 3985 Strong Street, to be incorporated into a previously approved planned residential development, Cedar Park Village, situated on the northerly side of Strong Street, west of the Springbrook Storm Drain Channel, in the RR-Rural Residential (tentative R-1-65) Zone. The revised planned residential development proposes 84 residential units on approximately 11 acres. *(This case is being heard concurrently with P04-1558 and P04-1559.)*

Mike Coyazo, Senior Planner, presented the staff report.

Mike Naggar, 43034 Agina Street, Temecula, stated that they are here today to keep a promise. He explained that when they were here back in October of last year with three approved PRD's in the project area they made a promise to the local community group to put in a trail system along the Springbrook Wash. He stated they could install a trail along the northern portion if they could acquire the parcel in question that would put the trail right up abutting the Springbrook Wash. He commented that they are fortunate enough to be able to acquire the property and they would like to incorporate it into their map to provide a 15-foot multi-purpose trail to the City in this area; it is a 15-foot trail and they are hoping to even expand it to 30 feet if Riverside County Flood Control allows them to do so. He noted that if they are allowed to do so, they will also put in some sort of trail head as well as water fountain-type facilities.

The public hearing was officially closed.

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-1558, P04-1559, and P04-1560, subject to the findings, recommendations, and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedure.

12. **PLANNING CASE P04-1579:** Proposed conditional use permit by Craig Yocum to establish a vocational school on approximately 0.89 acres developed with an approximately 2,600 square foot office building and off-street parking at 1064 E. La Cadena Drive, situated on the easterly side of E. La Cadena Drive, southerly of Palmyrita Avenue, in the RO-Restricted Office Zone.

Commissioner Norton was disqualified from participating in this hearing due to a potential financial conflict of interest.

Jeff Belier, Senior Planner, presented the staff report.

Craig Yocum, 15410 Golden Star, Riverside, stated that he agrees with the conditions of approval. He commented that the landscaping will enhance the value of the property and will accomplish the goal of the City of being the gateway to the Hunter Park Specific Plan. He stated that he would like to be able to allow the tenant to occupy the premises while they go through the landscape upgrade. He noted they are required 18 off-street parking spaces, but are requiring 38 of them. He feels there will be plenty of room for the occupant who is here with him today to be able to operate his business while they go through and upgrade the landscaping.

Mr. Belier stated that typically, one has to submit the landscaping plans prior to occupancy.

Commissioner Kurani asked the applicant how long it will take for them to do the landscaping.

Mr. Yocum stated one of the problems they have been having is that the construction industry is extremely busy these days and trying just to get the contract signed in terms of getting the plans submitted has been a challenge. He stated they will commit to that immediately in identifying the landscaped architect and getting the plans submitted. He stated that once they are approved they will start construction immediately.

Mr. Belier asked the applicant if they could install this landscaping within 30 days.

Mr. Yocum asked if he could be allotted 60 days.

Mr. Belier stated that is reasonable.

Commissioner Leonard asked if the applicant is seeking this relief prior to building permits or occupancy.

Mr. Belier stated within 60 days of occupancy.

Commissioner Leonard stated that Condition 1 calls for design review staff approval; however, based on the orientation of this property to the 215 Freeway he would like to see that come back to the Planning Commission.

Commissioner Brown commented that although he does not see any significant impacts on traffic in this case, he asked that the developers provide a report regarding traffic flow and infrastructure.

Commissioner Singletary stated if the applicant is going to be required to come back to the Commission with landscape plans, is 60 days going to be enough time.

Mr. Belier stated he would not be opposed to extending the time to 90 days.

Chairman Agnew commented that he feels staff could handle the landscape architecture review itself.

Jeff Krauss, Board of Directors of the Hunter Park Division of the Chamber of Commerce, spoke in support of the project.

Ray Blum stated he would be the actual occupant of the facility. He commented that he is looking forward to moving in and working with being a part of the City of Riverside and attributing to its growth.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO APPROVE** P04-1579, subject to the findings and conditions of staff, **WITH MODIFICATION** to Condition 1 as follows: “Landscaping and irrigation plans shall be submitted for ~~Design Review~~ **Planning Commission** staff approval. Design modifications may be required as deemed necessary. A separate application and filing fee is required. Landscaping and irrigation plans must be installed ~~prior to~~ **within 90 days of** occupancy. Landscape plans submitted for review and approval shall include the following elements:”
The motion also includes the recommendation for adoption of a Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Singletary, Stephens

NOES: None.

DISQUALIFIED: Norton

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedures.

- 13a. **PLANNING CASES P04-1476 and P04-1477:** Proposed planned residential development and design review by Withee Malcolm Architects on behalf of Lard investments L.P. to establish a 95 unit planned residential development with 95 one, two and three-bedroom apartment units together with parking, private and common open space areas on approximately 4.42 acres developed with several abandoned accessory buildings located at 4826 Van Buren Boulevard, situated on the westerly side of Van Buren Boulevard southerly of Wells Avenue, in the R-1-65 Single Family Residential Zone. (These cases are being heard concurrently with Planning Case P04-1478.) *(The applicant requests continuance to March 3, 2005 and staff concurs.)*
- 13b. **PLANNING CASE P04-1478:** Proposed rezoning by Withee Malcolm Architects on behalf of Lard Investments L.P. to amend the Municipal Code (Title 19) to rezone approximately 4.42 acres developed with several abandoned accessory buildings located at 4826 Van Buren Boulevard, situated on the westerly side of Van Buren Boulevard southerly of Wells Avenue, from the R-1-65 Single Family Residential Zone and the C-2 - Restricted Commercial Zone to the R-3 Multiple Family Residential Zone. *(This case is being heard concurrently with Planning Cases P04-1476 and P04-1477.) (The applicant requests continuance to March 3, 2005 and staff concurs.)*

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO CONTINUE** the above cases to the meeting of March 3, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

- 14a. **PLANNING CASE P04-1094 (Continued from January 20, 2005):** Proposed General Plan Amendment by Watt Developers to amend the land use designation of approximately 20 acres developed with a drive-in theater, situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue from the PKO Other Recreation to RMD Medium High Density Residential . *(This case is being heard concurrently with Planning Cases P04-1095, P04-1444, P04-1445 and P04-1446).*
- 14b. **PLANNING CASE P04-1095 (Continued from January 20, 2005):** Proposed rezoning by Watt Developers to amend the Municipal Code (Title 19) to rezone approximately 20 acres of land developed with a drive-in theater, situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue, from the R-1-65 - Single Family Residential Zone to the R-3-40 Multiple Family Residential Zone. *(This case is being heard concurrently with Planning Cases P04-1094, P04-1444, P04-1445 and P04-1446)*
- 14c. **PLANNING CASE P04-1444 (Continued from January 20, 2005):** Proposed Tract Map 32659 by R.T. Quinn and Associates on behalf of Watt Developers to subdivide approximately 20 acres of land developed with a drive-in theater for condominium purposes to facilitate the development of a 206-unit small lot single family residential development, situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue in the R-1-65 -Single Family Residential Zone (Proposed R-3-40 - Multiple Family Residential Zone). *(This case is being heard concurrently with Planning Cases P04-1094, P04-1095 P04-1445 and P04-1446).*
- 14d. **PLANNING CASES P04-1445 and P04-1446 (Continued from January 20, 2005):** Proposed planned residential development and the design review of a plot plan and building elevations by Watt Developers to establish a 206 unit small lot single family residential planned residential development together with parking, private and amenitized common open space areas on approximately 20 acres of land developed with a drive-in theater situated between Van Buren Boulevard and Gibson Street approximately 680 feet northwesterly of Lincoln Avenue, in the R-1-65 - Single Family Residential Zone (Proposed R-3-40 - Multiple Family Residential Zone). *(These cases are being heard concurrently with Planning Cases P04-1094, P04-1095 and P04-1444).*

Jeff Belier, Senior Planner, presented the staff report.

Commissioner Densmore commended staff and the applicant on this project, noting that it has been the Commission's experience when they are trying to get very strong wording and suggestions to an applicant that it is sometimes difficult. In this situation, he feels that the Commission's concerns were addressed and he is very pleased with that.

Mr. Belier noted that the passed out a letter of opposition to the Commission from the Chamber of Commerce.

Commissioner Brown asked for a traffic assessment by the Traffic Division.

Fran Dunajski, Traffic Engineer with the Public Works Department, stated that a project of this magnitude would introduce approximately 2,000 vehicle trips per day into the existing traffic stream. He feels primarily the access would be on Van Buren Boulevard, which would be a signalized intersection that lines up with a main driveway to an apartment complex across the street. The traffic signal at that location will more than adequately handle the traffic that will be going in and out of this site. Secondary access onto Gibson would also provide some relief for alternate access into the site as well.

Commissioner Brown inquired as to what affect the project will have on Van Buren Boulevard and Lincoln.

Mr. Dunajski stated Lincoln and Van Buren operate just fine; Indiana and Van Buren Boulevard is operating at level of service D. The number of trips that will be coming out of the peak hour trips we are talking less than 200 peak hour trips generated by this development and if they all came out on Van Buren that would not drive the level of service below the acceptable level of the City Standard D.

Commissioner Leonard stated from a Public Works standpoint, is it envisioned this project will always have two points of access to Van Buren and Gibson.

Rob Van Zanten, Senior Engineer with the Public Works Department, stated yes.

Commissioner Leonard referred to Condition 15, which is conditioning for the access point onto Van Buren. The Commission has been told in the past there are several options that emerge in how that condition is implemented. Either the applicant obtains right-of-way and builds the street or the City condemns it or the conditions is waived. He asked if staff foresees any scenario where that condition would be waived in this case.

Mr. Van Zanten stated no; the City feels very strongly about the need for this access point, not only to accommodate this development, but not to burden or overload the traffic on Gibson as well.

Commissioner Leonard referred to Exhibit 4, which shows the street alignment. He asked if this is a hypothetical in terms of how it could tie into Aguilar. He explained that his biggest concern is that this project, assuming the access is established onto Van Buren, stands alone in terms of that alignment. He is curious that it goes through that adjacent lot that the rental car agency uses as their vehicle storage. He asked if it is anticipated that at some point in the future, that would become part of this right-of-way as a east-west connector.

Mr. Van Zanten stated that is clearly the direction Public Works wants to go; to take advantage of the existence of Aguilar as it is, instead of it being a truncated street, and to take advantage of that existing right-of-way and the frontages along that segment.

Commissioner Norton asked if it is possible, because of the flow of traffic on Van Buren, that those signals can be coordinated such as on Magnolia, in order to actually drive Magnolia to La Sierra without stopping.

Mr. Dunajski stated yes, the new intersection will be interconnected to the next signal at Rudicil, which will be connected to Indiana and the freeway ramps as well.

Kevin Webb, 2716 Ocean Park Boulevard, Santa Monica, thanked the Commission for allowing him to come back and hopefully reflect the changes that were discussed at the last meeting. He stated that they took the comments of the Commission seriously and did their best to reflect them.

David Kent, Principal with KTG Architects/Planning, stated they have worked in great concert with Watt Homes, which they believe to be a great quality builder. He stated that KTG Architects has done a lot with the City of Riverside such as Riverwalk and they are confident they can deliver a solid good product in the City of Riverside. He proceeded to present a brief PowerPoint presentation, reflecting the changes made as suggested by the Commission.

Commissioner Brown expressed his distaste for the architecture and his preference for a Costco; however, he also expressed his support for the project.

Commissioner Kurani inquired as to whether a community center was considered.

Mr. Webb stated they did look at putting in a community center; however, one of the things they try to do with their open space is to not put a lot of massing in there keep as much of it open. He explained that they have brought in a trellis structure so that when there are common meetings or parties, they can be done under that structure. They felt putting in a big structure would crowd that park area. An open trellis made it feel as though it was bigger.

Commissioner Leonard complimented the applicants on how far they have come with this project, especially in terms of the open space. He commented that on the pocket parks, there could have been more of an emphasis on destination point. He would like to see something that really attracts people to come and gather and spend a little bit of time there. He commented that he thought the Commission was going to see an example of combination for visitor parking.

Mr. Webb referred to their last slide, which reflects a breakdown in parking. He indicated there are 396 total garage parking spaces, 92 parallel parking spaces, and perpendicular parking spaces. He stated they found it critical in this community to have the correct number of parking spaces, correctly distributed throughout the site. He stated although the City requirements allow for less parking, they feel it is important to have the parking they do have; it is a quality of life issue they feel strongly about.

Commissioner Leonard asked if there is a similar color pallet throughout to unify the architecture.

Mr. Webb stated yes, they would keep a same color palette within a paseo or a cluster and bleed them gently into next areas so as to go ahead and get homogeneous over the whole site, but unique to each.

Commissioner Leonard stated it appears to him this could be one of the premier projects in Riverside.

Commissioner Norton commented this is really a great infill project and she thinks it goes toward mixed use, which is what the Commission has been talking about for a long time. She referred to the traffic and asked if it is possible to trend toward a landscape strip of sidewalk, then the project. She asked if that is possible here or is it just a pocket area that will make it look odd compared to Van Buren.

Mr. Van Zanten stated that would not be the preference of Public Works.

Commissioner Norton asked for a comparison in the trips per day based on a residential project as opposed to a commercial project.

Mr. Webb stated they are at about 2,000 trips per day; prior retail use was just under 14,000 trips, and a Costco with a couple pads and a service station would be about 16,000 trips.

Chairman Agnew stated he believes the applicant has set the precedent for the future of these types of infill communities. He asked staff to discuss the future alignment and the possibility of the acquisition to construction of the other road.

Mr. Van Zanten explained the alignment is just tentative.

Commissioner Brown inquired as to what happens to the remainder of the road to Gibson.

Ken Gutierrez, Planning Director, stated there is a condition that requires the new road to be constructed up to the entrance point of this project. He explained there is a secondary access already to Gibson from this project.

The public hearing was officially closed.

MOTION MADE by Commissioner Stephens, **SECONDED** by Commissioner Densmore, **TO APPROVE** P04-1094, P04-1095, P04-1444, and P04-1446, subject to the findings, recommendations, and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedure.

15. **PLANNING CASES P04-1534 & P04-1536 (Continued from February 3, 2005)**: Proposed revised conditional use permit and the design review of a revised plot plan and building elevations by HYC Ltd. Architecture on behalf of Parkview Community Hospital to install a 9,600 square-foot modular administrative office building and complete related minor modifications to existing on-site parking and circulation on approximately 12 acres developed with an existing community hospital facility consisting of three buildings totaling approximately 155,000 square feet at 3865 Jackson Street, situated on the easterly side of Jackson Street, southerly of Garfield Avenue, in the R-1-65 - Single Family Residential Zone.

Kelly Violette, Assistant Planner, presented the staff report.

Chariman Agnew asked staff if this facility will be permanent or temporary.

Ms. Violette stated this will be a permanent facility. She explained that the previous plans refer to an 18,000 square foot labor and delivery building; however, that is no longer part of the Master Plan for the hospital.

Ronald Yount, the architect for Parkview Community Hospital, stated that they concur with the conditions of approval. He stated that the hospital has gained tremendous growth and success in the last few years. He explained that in coming out of bankruptcy, the hospital has taken a look at the needs of the facility with relation to patient care. Those needs are that some of the administrative offices and duties are placed inside the hospital. The hospital needs to try to relocate those to better facilitate the patient care, which is the purpose for this project.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner, **TO APPROVE** P04-1534 and P04-1536, subject to the findings, recommendations and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedures.

- 16a. **PLANNING CASES P04-1306 AND P04-1307:** Proposed conditional use permit and the design review of a plot plan and building elevations by Reeves Associates on behalf of Lake Development Group to establish a 15,004 square-foot drug store with a drive-thru pharmacy and a 1,152 square-foot restaurant building on an approximately 1.23 acre site developed with a used car dealership and auto repair facility at 3375 Market Street, situated on the westerly side of Market Street between 3rd and 4th Streets, in the DSP-RC - Downtown Specific Plan - Raincross District. *(These cases are being heard concurrently with Planning Case P05-0035)*
- 16b. **PLANNING CASE P05-0035:** Proposed specific plan amendment by Reeves Associates on behalf of Lake Development Group to amend the Downtown Specific Plan - Raincross District guidelines to allow drive-thru pharmacies for the pick-up of prescription drugs and the and drop-off of drug prescriptions in conjunction with a full service drug store containing at least 15,000 square feet of floor area, subject to a Conditional Use Permit. *(This case is being heard concurrently with Planning Cases P04-1306 and P04-1307)*

Jennifer Walker, Assistant Planner, presented the staff report. She noted that the Cultural Heritage Board discussed this item yesterday.

Commissioner Brown expressed his concern that this project would enhance the entrance to the City as opposed to what exists there now. He commented that he is 76 years old and wants to live to see something happen in the Downtown.

The Commission and staff discussed their views on what is the proper use in this area.

Joyce Powers, Redevelopment Area Manager, expressed the City's desire for denser development along Market Street.

Commissioner Leonard stated the Commission recently had the Bank of America building before the Commission. Bank of America made efforts to take a drive-thru facility and integrate it towards the inside of the lot as this proposal has done. He noted that B of A got a finding of consistency also in the Downtown Specific Plan; however, in this project, staff is not willing to make that finding.

Steve Hayes, Senior Planner, explained that this Bank of America was in an entirely different district of a Downtown Specific Plan area where there is more of an office component. This particular project is in the Raincross District and, as has been stated by staff, the vision for this area is more of a pedestrian environment where maybe a mixed use project of a higher floor area ratio possibly with this type of use incorporated as a ground floor anchor could be incorporated and successfully implemented without the need for a drive-thru pick-up window.

Commissioner Leonard commented that he is definitely getting the message staff wants to see more of an urban design here rather than suburban layout. He commented that even if the applicant removes the pick-up window and made it more in line of what Farmer Boys is, that still would not resolve the matter as it is a bigger, global issue.

Mr. Hayes stated in staff's opinion, yes; there are some concerns about the density of development being proposed on the site.

Commissioner Leonard stated of the urban types of developments that are desired for this area, is there anything within the next six months the Commission will likely see along this Raincross corridor.

Ken Gutierrez, Planning Director, stated there are a number of different buildings proposed along Market Street; however, he cannot say whether or not they will come before the Commission in six months.

Commissioner Leonard commented that is the problem he has; there have been discussions for ions and nothing seems to come to fruition.

Commissioner Norton asked for clarification that the only thing the Cultural Heritage Board (CHB) approved was to go ahead and demolish the existing site. She asked if anything was said about the proposal or architecture.

Mr. Hayes explained that the purpose of forwarding this case to CHB yesterday was to obtain their input on the cultural resources section of the environmental initial study. The CHB concurred with staff's findings in that regard. With regard to the project, there were some comments made at the meeting, but no consensus one way or the other whether or not they believe this would be an attribute to the Downtown area.

Larry Lake, the applicant, presented the project in detail.

Commissioner Densmore pointed out the staff report states that staff would consider a Sav-on Drug Pharmacy without a drive-thru. He wondered if the project is a "no-go" without the drive-thru.

Mr. Lake stated the staff report mentions that the drive-thru will encourage auto-related and oriented customers and that under the Raincross District, drive-thru establishments are prohibited. He believes the addition of a pick-up window for the drop-off of prescriptions does not make it a drive-thru "establishment" per se. He explained that the purpose is to allow people who are sick or people with children to not have to get out of their car. He commented that this is purely a convenience to the customer and is intended to be personal and quiet. He explained the drive-thru is a vital aspect of their project and has been told by Sav-on that it is necessary in order for them to move forward. He proceeded to address the conditions of approval, noting opposition/modification to Conditions 15 and 40 of the CUP, 9a, 9c, 9d, 9e, and 14a of the DR case.

Commissioner Norton inquired as to whether the applicant is anticipating the building other than the Sav-on building to be a restaurant.

Mr. Lake stated they are designing it for a restaurant for the patio area. They envision it to be a coffee/pastry use or a small restaurant. He commented that they believe a restaurant would do well there.

Martin Saulbern, Director of Real Estate for Albertson's, the owner, 1421 South Manhattan, Fullerton, stated they have four drug stores in the City of Riverside that have been operating since 1962 with absolutely no ABC violations. He explained that the company uses a training manual that has been approved by the State of California. This training manual is very carefully reviewed with Sav-on employees. He explained that Sav-on tries to be good corporate citizens and tries to be careful who they sell liquor to. He stated they would agree to not selling any single cans, fortified wines, or individual cups or ice to any of the customers.

There was further discussion among the Commissioners and staff regarding the vision of this area. Staff emphasized the importance of the vision of this area.

Letitica Pepper spoke in support of the design, but opposition to the drive-thru window.

Dave McNiel, former member of the Citizen's Advisory Committee for the Downtown Specific Plan, spoke in support of the project. He explained that the drive-thrus the Citizen's Advisory Committee was reluctant about coming into this area of the City was fast-food restaurant drive-thrus.

Commissioner Leonard stated the real problem comes back to the drive-thru, in terms of the design. He inquired as to whether there is any room to have a similar pick-up window to Farmer Boys on University? A non drive-thru, ten-minute parking in front of a separate window, rather than a drive-thru.

Judy Papis, 6202 Apian Way, Riverside, one of the owners of the property, stated she has been working with the developer on this project for two years. She commented that this is a beautiful project that will enhance the area and fits well into the vision of the City of Riverside. She pointed out that the current uses are automobile uses.

Bill Wilkman, member of the Old Riverside Foundation, Board of Directors, spoke in opposition to the project. He explained that the problem with this project is not the use, but the parking lot as it does not comply with the vision of the Downtown Specific Plan.

Following further comment by the Commission, the applicant noted that the developers would agree to withdraw their request for the drive-thru window lane.

Ken Gutierrez, Planning Director, explained that the withdrawal of the drive-thru lane will withdraw the need for the conditional use permit and the specific plan amendment. This project now becomes simply a design review.

Mr. Lake added along with a variance request for the landscape setback.

Mr. Hayes stated normally variances are considered under a conditional use permit.

Mr. Gutierrez stated because the conditional use permit was duly advertised and it allows variances to be granted as a part of that, the Commission can deal with the variance item.

Commissioner Leonard asked the applicant if he still wishes to have the outside pick-up window.

Mr. Lake stated yes.

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Kurani, **TO ACCEPT** the withdrawal of the Specific Plan and Conditional Use Permit cases, as requested by the applicant.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

The public hearing was officially closed.

Rob Van Zanten, Senior Engineer with the Public Works Department, stated with the withdrawal of the conditional use permit, he would request that Public Works Conditions 26-34 as noted under the CUP be applied to the Design Review case.

Krisit Smith, Deputy City Attorney, stated Condition 4 of the Specific Plan Amendment case, which is the Indemnification provision, should be applicable to all matters before the Commission.

Mr. Hayes stated there are a number of conditions that were included in the conditional use permit conditions of approval that should be carried over to the design review case as well. He referred to Page 1 of the conditional use permit condition, noting that Conditions 5, 8, 9, 10, 13, 14, 15, and 24 should be applied to the design review case.

The applicant noted he concurs with those conditions.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner, **TO APPROVE** Planning Case P04-1307, subject to the recommendations and conditions of staff, **WITH THE MODIFICATION** to include Conditions 5, 8, 9, 10, 13, 14, 15, 24, and 26-34 of the former Conditional Use Permit case, Condition 4 of the former Specific Plan Amendment case, along with the applicant's requested modifications to Conditions 9a, 9c, 9d, 9e, and 14a, which are to be worked out between the applicant and staff. Park and Recreation Conditions 40-44 of the Conditional Use Permit case shall also be included. The following Operation Conditions were added: (1) The project shall be operated in compliance with the Title 7 of the Riverside Municipal Code (Noise Ordinance). (2) The site shall be properly maintained in accordance with City Property Maintenance standards. (3) A shopping cart system with activated sensors shall be utilized to inhibit shopping carts from being utilized beyond site boundaries. (4) Advisory: Alcoholic beverages shall not be sold in "single" containers in conjunction with the possible future off-sale of alcoholic beverages from the premises, and (5) ***Advisory:*** Individual cups of ice shall not be sold or otherwise provided to customers in conjunction with the possible future off-sale of alcoholic beverages from the premises. The following conditions were also added: "Up-lighting shall be utilized on the colonnade features to accentuate its appearance during hours of darkness, to the satisfaction of Design Review staff, " and "Said transformer shall be located outside of a required landscape setback area." The motion also includes the recommendation for adoption of a Mitigated Negative Declaration.

Mr. Hayes stated that the Commission will need to add a condition supporting the recommended variance for a 10-foot landscaped setback for the parking lot. The applicant has provided the justifications to that effect and should the Commission choose to add that condition, staff believes that the applicant's justifications provided in the report are acceptable.

The motion maker and second agreed to incorporate this into the motion.

Mr. Lake inquired as to whether 14a is then deleted.

Mr. Hayes stated if the Planning Commission supports the idea of deleting Condition 9a, then staff also believes concurrently it would be appropriate to eliminate 14a. He explained the intent behind having those two conditions was that they tie together and create a street side entrance at a zero setback by requesting elimination of Condition 9a and having the entrance facing the parking lot, it really kind of makes Condition 14a moot.

Condition 14a was noted for deletion for the motion.

Commissioner Stephens expressed his opposition to the project as he does not believe it supports the vision of this District.

MOTION PASSED by a vote of 5 ayes to 3 noes.

AYES: Brown, Densmore, Kurani, Leonard, Singletary

NOES: Agnew, Norton, Stephens

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

Chairman Agnew advised of the appeal procedure.

17. **PLANNING CASE P04-1309 (Continued from February 3, 2005)**: Proposed conditional use permit by Malcolm McCassy to establish a private recreational facility consisting of an indoor mini-motorcycle track within an existing warehouse building on approximately 2 acres at 3230 Vine Street, situated on the westerly side of Vine Street between Third Street and First Street, in the M - 2 – General Manufacturing Zone. *(The applicant requests continuance to the March 3, 2005 meeting and staff concurs.)*

MOTION MADE by Commissioner Norton, **SECONDED** by Commissioner Brown, **TO CONTINUE** P04-1309 to the meeting of March 3, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

18. **PLANNING CASE P04-1238 (Annexation 101- Mariposa Avenue):** Consideration of an annexation report and plan for providing services and to establish appropriate pre-zoning and General Plan land use designations to be placed on approximately 225 vacant acres generally bounded by Gamble Avenue to the west, Krameria Avenue to the north, Mariposa Avenue to the south and Obsidian Drive to the east. *(This case is related to P04-0912, P04-1372 and P05-0006).*

Commissioner Leonard was disqualified from participating in this hearing due to a potential financial conflict of interest.

Patti Nahill presented the staff report. She informed the Commission that based on a discussion between Tom Boyd and Mr. Studer? this afternoon, they have completed their missing link study and will be getting together shortly to discuss connecting the inner-connecting roadway links.

Commissioner Norton clarified that Residential Estate will be the designation for the General Plan.

Ted Weggeland, 2834 Rumsey Drive, Riverside, representing Entrepreneurial Sheffield Partners, stated that he knows there were a number of citizens present at the last meeting presenting testimony who are back here today. He stated that he believes all of the concerns have been addressed in the staff report. He provided a schematic drawing of Mission Ranch Park, which is the turnkey park seen in the southeastern part of this area. He indicated that this park includes three soccer and football fields, one baseball field, picnic tables, a tot lot, and on-site parking. He commented that this park is a result of four or five meetings with Mr. Nunez and Bob Johnson. He noted that they are in agreement with the conditions as set forth in the staff report.

Roger Hobbs, President of Century American, 1430 East Chapman Avenue, Orange, stated that he agrees with the conditions of approval. He stated that he thinks their property, which is the 20 acres, is already annexed; however, it is noted on the screen that they are not annexed.

Ms. Nahill explained that the annexation was approved by the LAFCO staff on December 9th; they were waiting receipt of a check from the State Board of Equalization. The LAFCO staff should be filing the certification today, in which case it would become effective today. She indicated that the line as currently shown on their map is correct; as of tomorrow, it will be changing.

Mr. Hobbs stated he would like to compliment Sheffield Partners as they have done a great job in providing a lot of leadership in this area, particularly as it relates to the infrastructure and the negotiations with the school, now providing a park for the area. He stated it is interesting to note that Beazer Homes, which is one of their partners, is doing extremely well out there as they have sold nearly 90 homes of which about 30 or 40 are under construction to sell-out crowds. He commented that people love the houses and this area.

Rebecca Mach, 17080 Gamble Avenue, spoke in opposition to this project. She stated that she challenges every one of the Commissioners to drive out to Mariposa from Gamble to Roosevelt and negotiate their vehicle safely. She stated she is very much in opposition of the half-road ideas. She noted that three times a week she witnesses automobiles, especially truck with teenagers, going at least 90 miles an hour on a very unprepared road. She commented that they received no notice of this meeting. She inquired as to what the expiration date is on the map being annexed.

Ms. Nahill stated that the item being discussed right now is the annexation request; the map is the next item on the agenda. She commented that, currently, the map has been deemed complete so they have approximately 180 days to process the map.

Chairman Agnew asked for clarification that the reason Ms. Mach did not get notified of this hearing is because this case was continued to a date specific at the last hearing; there was no re-notification.

Ms. Nahill stated that is correct.

Ms. Mach addressed erosion issues and noted that she has personally seen trucks dumping material. She explained that she does not agree that there has been adequate soil testing done.

Terry Huff, 16951 Cendero Del Charro, Woodcrest, stated he has been a resident here for the last 27 years. He explained that he is very opposed to this project mainly because of the traffic situation. He stated that he believes the Environmental Impact Report is very flawed in many areas and would like to site down and address each area with whoever put it together. He noted that those in Woodcrest like the land around them, like having horses, and oppose street lights. He stated that he spoke with Robert Coliva last week and he had no idea that the City is going to pave Mariposa for that short of a section.

Paul Barrios, 18385 Mariposa, inquired as to why a park cannot be put in at the beginning of the project, which is 86 homes, instead of at the end of 2,600 homes, which could be years down the line. He noted that he does not feel a 12-acre park is big enough for the number of homes and also feels a park should be more centralized. He inquired as to whether there would be a curb and gutter put in and suggested there be a stop sign installed at the corner of Taft and Mariposa because there is a school bus that picks up kids in the neighborhood now and there is a safety factor. He noted that he is immediately impacted by this project, but was never approached by Sheffield Homes to discuss the project.

Arthur Mach, 17080 Gamble Avenue, commented that he thought he lived on County land and does not understand why this case is being heard in the City. He stated that he specifically asked at the last meeting to be notified of upcoming hearings and never received notice of today's hearing.

Chairman Agnew explained that the notification of today's hearing was announced at the last meeting by way of this cases' continuance.

Mr. Mach further expressed his opposition to a road that is half paved.

David Shultice, 16800 Cendero Del Charro, expressed his opposition to the annexation because he moved to Woodcrest, not Orangecrest. He commented that the General Plan called for one-acre lots and nothing less.

The public hearing was officially closed.

MOTION MADE by Commissioner Norton, **SECONDED** by Commissioner Brown, **TO APPROVE** P04-1238, subject to the findings of staff, **RECOMMENDING THAT THE CITY COUNCIL:**

1. Introduce and subsequently adopt a pre-zoning ordinance to establish the R-A-SP Residential and Specific Plan (Orangecrest) Combining Zone on the approximately 68 acre portion located along the western and southern boundaries of the annexation area, the R-1-125-SP Residential-1 and Specific Plan (Orangecrest) Combining Zone on the approximately 101 acre portion located at the southwesterly corner of Krameria and Chicago, at the southeasterly corner of Krameria and Riverside Avenues, and the southeasterly corner of Lurin and Chicago Avenues, and the R-1-100-SP Residential and (Orangecrest) Combining Zone on the approximately 50 acre portion at the southeasterly corner of Riverside and Lurin Avenues to the eastern boundary

based on the findings listed under the section entitled “City of Riverside General Plan and Zoning” in this report (see Exhibit 5 of Original Staff Report).

2. Adopt a resolution adding the subject property to the Orangecrest Specific Plan, including development standards for Tentative Tract 32646 and changing the General Plan designation for the approximately 68 acre portion located along the western and southern boundaries of the annexation area from Agriculture to Residential Estate, the approximately 12 acre portion located at the southeasterly corner of Lurin Avenue and Obsidian Drive from Agricultural to Public Park and the approximately 145 acre balance of the annexation area from Agricultural to Low Density Residential based on findings listed under the section entitled “City of Riverside General Plan and Zoning” in this report (see Exhibit 5 of Original Staff Report).
3. Request a waiver of protest proceedings from LAFCO, if 100% of property owners concur, in order to minimize their State mandated review period.
4. Adopt a resolution determining the amount of property tax revenue to be exchanged between the County and the City of Riverside.
5. Determine that the proposed annexation would not have a significant adverse effect on the environment and adopt a Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Norton, Singletary

NOES: None.

DISQUALIFIED: Leonard

ABSTAINED: None.

ABSENT: Comer, Stephens

Chairman Agnew advised of the appeal procedure.

19. **PLANNING CASE P04-0912:** Proposed Tract Map No. 32646, a proposal by M.R. South Partners, L.P. to subdivide 80.44 acres into 96 residential lots and 2 open space/detention basin lots located at the southwest corner of Chicago Avenue and Krameria Street in the R-1-125-SP Single Family Residential - Orangecrest Specific Plan Combining Zone and the R-A-SP Residential Agricultural - Orangecrest Specific Plan Combining Zone. *(This case is related to P04-1238).*

Commissioner Leonard was disqualified from participating in this hearing due to a potential financial conflict of interest.

Patty Nahill presented the staff report. She stated that the applicant has re-adjusted the property lines of Lots 78 and 79, adjacent to Mr. Oswald's property; this will accommodate a driveway coming into Lot 78 and 79 will now take access off of Mariposa. With that condition, and with the Commission's concurrence, the applicant will seek deletion of Condition 24. She referred to Gamble Avenue, stating that in response to Mr. Oswald's request they took a re-visit at the lot configuration on Gamble Avenue. It has been re-designed so that one lot will take access off of Mariposa, the second lot will take access from a flag lot, again off of Mariposa. Mr. Oswald will not be impacted other than potentially needing an off-site grading permit in order to facilitate the driveway going in.

Commissioner Densmore asked staff to explain Condition 23.

Rob Van Zanten, Senior Engineer with the Public Works Department, stated under this development the applicant is required to construct half-street improvements, which is consistent with Title 18 requirements. From centerline of Mariposa, northerly, they will be required to install paving and the curb and gutter will be located 32 feet off of that centerline. This will meet any requirements as far as what the City would consider a functional roadway. Aside from the obvious alignment issues that some of the residents had concern with, the two-way traffic will co-exist in there; there will be a lane in each direction within that 32 feet of paved roadway. The question about the adverse impacts on the properties to the south, he interprets it as whatever necessary grading is required, the vertical alignment and any remedial grading to still maintain access to those properties. He indicated that if somebody is traveling from Washington down to Wood, there will be transitions required to provide for transition of the alignment for that two-way traffic. He stated it appears there was some agreement on the applicant's part of some additional paving off-site to provide connectivity from the required improvements to existing paving towards Porter Avenue.

Commissioner Densmore stated if he understands correctly, there will possibly be some dirt portion of that Mariposa that is into the County, but the alignments of a driveway or the approach to a house, staff will make sure the grading is not too disparate at that particular point. There will be enough roadway to handle two-way improved section on the City's area and that where there are alignment problems to connective streets, there will be linkages or jogs so that you do not all of a sudden find yourself on dirt, but you remain on pavement.

Mr. Van Zanten stated that is correct. The City will require appropriate transitions to provide the safe transition lanes. He added that there is dialog between the City and the County right now to look at, not just Mariposa, but Krameria, Taft, and Lurin to look at any disconnects as far as paved roadways so that we end up with paved functional roadways and do not end up with sections of dirt and asphalt.

Ted Weggeland of Entrepreneurial Sheffield Partners, representing the applicant, stated that they support all of staff's recommendations and conditions.

Chariman Agnew asked Mr. Weggeland to touch on the park issue.

Mr. Weggland explained that this property is being annexed into the City so it will be a City park that essentially will be bordering the County of Riverside. It is a 12-acre park that will include three football/soccer fields along with a baseball and tot lot. It will be a nice turnkey park, which means that the developer is actually going to be building the park for the City of Riverside. Their intent is not to build it after the homes come in, but to build it before the homes even start being built. He stated this is their commitment to the City of Riverside. They understand the situation with parks in the City of Riverside and the importance to having parks put in prior to residents coming into the area.

Rebecca Mach, resident on Gamble Avenue, stated her biggest concern is who is going to police Mariposa, even if it is nicely pavement/dirt, when the motorcycles go 110 miles an hour in front of their house. Also, who is going to maintain it when the erosion covers up the beautiful pavement.

Paul Barrios, resident on Mariposa, stated that he and other residents feel cut off. He expressed concern regarding the water runoff.

Mr. Van Zanten explained that the way the crown of the street is, anything that is generated additionally because of paved surface is going to drain towards the curb that is on the City side and will be collected through weather surface flow or through inlet as part of the design of this map. He stated from centerline southerly, that is not the City's jurisdiction; it is not going to be annexed into the City and the City has no jurisdiction over that area. As far as maintenance, that is a County Transportation issue. He stated this development will not intensify or change anything to adversely affect what is there. He cannot say that is going to make the situation better, but it is not going to make it worse.

Mr. Barrios stated he does not want the water coming onto his property creating giant ruts, etc.

Mr. Weggland stated that they have been working with the County and have had good communication with them. He noted that Bob Buster's Office is involved in this and are trying to come up with a solution for not only Mariposa, but the entire area.

Chariman Agnew thanked Mr. Weggland for being so up front with the people.

Commissioner Densmore commented that a walk to a park might be better than having it across the street in some respects, but in any case, it will be an addition to the area. He commented that a free park is not something we get everyday in the City of Riverside.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Densmore, **TO APPROVE** P04-0912, subject to the recommendations and conditions of staff, **WITH DELETION** of Condition 24, and including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Norton, Singletary

NOES: None.

DISQUALIFIED: Leonard

ABSTAINED: None.

ABSENT: Comer, Stephens

Chairman Agnew advised of the appeal procedure.

- 20a. **PLANNING CASE P05-0006 (Continued from February 3, 2005):** Proposed Specific Plan Amendment by Century American Development Corporation to amend the Orangecrest Specific Plan to incorporate Proposed Tract Map 32997 and to establish site development standards for the 38.6 acres of land located at the southeast corner of Chicago Avenue and Krameria Street within the R-1-125-SP Single Family Residential Zone - Orangecrest Specific Plan Combining Zone. *(This case is being heard concurrently with P04-1372-T32997).*
- 20b. **PLANNING CASE P04-1372 (Continued from February 3, 2005):** Proposed Tract Map 32997, a proposal by Century American Development Corporation to subdivide approximately 38.6 acres of land into 96 residential lots and one open space/detention lot located at the southeast corner of Chicago Avenue and Krameria Street in the R-1-125-SP Single Family Residential - Orangecrest Specific Plan Combining Zone. *(This case is being heard concurrently with Planning Case P05-0006 - Orangecrest Specific Plan Amendment)*

Commissioner Leonard was disqualified from participating in this hearing due to a potential financial conflict of interest.

Patti Nahill presented the staff report. She noted that she distributed a revised, updated initial study during the lunch break.

Roger Hobbs, President of Century American, 1430 East Chapman Avenue, Orange, stated that never have they had an experience like this where they had approved maps, which is wonderful, but received a call from both the City and the County saying that they need him to come back in and talk to them about re-alignment of a road that would go through your property, rather than being on the outside of it. He admitted that at first he was not very calm, but was very frustrated. He stated that with the guidance of the Planning Director they have worked this through. He thanked the County and City staff.

Bill Woolsey, representing Entrepreneurial Sheffield Partners, stated that they are very much in favor of the project hats off to Century American Homes and Mr. Hobbs' group for actually bringing their map back again to get re-entitled. He commented that they have been very good neighbors to work with.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO APPROVE** P05-0006 and P04-1372, subject to the recommendations and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Norton, Singletary

NOES: None.

DISQUALIFIED: Leonard

ABSTAINED: None.

ABSENT: Comer, Stephens

Chairman Agnew advised of the appeal procedure.

21. **PLANNING CASE P04-0913**: Proposal by the Woodcrest Christian School System to change the street name for a portion of Dauchy Avenue between Van Buren Boulevard and a point approximately 1,260 feet south from Dauchy Avenue to Royal Drive.

Commissioner Singletary was disqualified from participating in this hearing due to a potential financial conflict of interest.

Jeff Belier, Senior Planner, presented the staff report.

Commissioner Densmore expressed his concern that the City has a whole bunch of streets than within a block change names and we are trying to clear that up. He commented that this may also create a precedent and he does not want to see in the future everyone coming forward saying the two-block section in front of their school has unusual circumstances.

Commissioner Brown commented that this is a subject that will be addressed in the General Plan in detail. He commented that he has nothing against the school, but opposes the request.

Commissioner Leonard stated he understands that south of Krameria the street will continue to be no separation between Dauchy/Royals turning into Taft.

Mr. Belier stated south of Krameria will become Taft Street.

Jeff White, representing Woodcrest Christian School System, stated the front of the school used to be on Van Buren and after many accidents, the annexation in to the City, and in working with Bob Buster they spent a lot of time, energy, and money of their own to get the traffic light on Dauchy. Because the school has grown and is no longer on that street, they thought they would take an opportunity to change the name to Royals Drive. It does not impact anybody else on the street at this time and John Gless was willing to make his minor change.

Leticia Pepper spoke in opposition to the project.

Commissioner Densmore suggested this matter be brought up as an issue in civic government; how this happened and the process. He stated what he believes some of the students might think is a great idea and very simple to do, really is an impact.

The public hearing was officially closed.

Following further discussion, the following motion was made:

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Norton, **TO CONTINUE** P04-0913 to the meeting of March 17, 2005 in order to give staff time to check with the County about the name change to Royals Drive and more importantly, to check with the residents.

MOTION PASSED by a vote of 5 ayes to 1 no.

AYES: Agnew, Densmore, Kurani, Norton, Singletary

NOES: Brown

DISQUALIFIED: Leonard

ABSTAINED: None.

ABSENT: Comer, Stephens

- 22a. **PLANNING CASE P04-1531**: Proposed conditional use permit by Dennis Tanida, on behalf of Neil Bhakta, to expand a non-conforming use by adding a 1, 011-square-foot, second story, storage room to an existing motel “Thunderbird Motel” on approximately .69 acres at 2711 University Avenue, situated on the northerly side of University Avenue between Victoria Avenue and Comer Street, in the C-2-SP – Restricted Commercial and University Specific Plan Combining Zone. *(This case is to be heard concurrently with Planning Case P04-1532)*
- 22b. **PLANNING CASE P04-1532**: Proposed design review of a plot plan and building elevations by Dennis Tanida, on behalf of Neil Bhakta, to renovate the Thunderbird Motel on approximately .69 acres at 2711 University Avenue, situated on the northerly side of University Avenue between Victoria Avenue and Comer Street, in the C-2-SP – Restricted Commercial and University Specific Plan Combining Zone. *(This case is to be heard concurrently with Planning Case P04-1531)*

Robert Laag, Assistant Planner, presented the staff report. He noted that Condition 4 of P04-1531 and Condition 3 of P04-1532 should be modified to include the following statement, “The certificate of appropriateness must be issued prior to obtaining a building permit for the removal of the Thunderbird Lodge sign concurrently with building permit issuance for the remodeling; the sign shall not be removed prior to issuance of permits for the remodeling. Prior to the removal of the sign, the applicant shall donate the sign to an appropriate repository subject to CHB staff approval.” He also noted that the Cultural Heritage Board denied the certificate of appropriateness for removal yesterday evening and do not concur with staff’s mitigation measures in the Mitigated Negative Declaration.

Commissioner Leonard stated so by action of the Cultural Heritage Board, they are wanting the Thunderbird Sign to remain in place.

Mr. Laag stated yes.

Neil Bhakta, the owner of Thunderbird Lodge, stated that this area has long been ignored and it is in a condition of blight. He stated that with the remodeling of this building, he expects occupancy to increase and for that he needs storage space to accommodate all of the soap, towels, et cetera. He believes the remodeling of this building will be a catalyst for the area. He noted that he has an excellent reputation as an owner and operator and for him to effectively compete in this market, he needs to add those amenities; he needs that second storage, a bigger lobby, and a breakfast area. He noted he will be building two public restrooms, a fitness room, a business center, and a nice office with a waterfall inside the lobby. He stated he has already made \$600,000 in improvements to the guest rooms; however, when a customer drives by the building they are turned away by its current appearance.

Commissioner Leonard stated when he first saw this application he thought, “Oh no, there goes another disappearing 60's style motel.” However, when he parked across the street and got a good look at it, he realized just how tired it is. He stated that he can see how this fits into the University Avenue Specific Plan design criteria as it has a unique place in its location, being right at the end of Victoria Avenue. He understands that the stretch of Victoria leading up to the site aren’t necessary palaces, but he is wondering if there is some means of a focal point in terms of something that can be done to that 19.7 feet that would represent kind of the terminus of the Victoria Avenue experience.

Mr. Bhakta stated absolutely. He indicated that on the right hand side tower as you enter there will be a cascading waterfall going straight down. He noted that he will also have planters and everything will be landscaped. He stated that he is open for suggestions.

Commissioner Norton referred to the sign and asked the applicant what he hoped to accomplish.

Mr. Bhakta stated it is a nice sign as he has seen it everyday for 27 years; however, it does not work. He came before the Commission ten years ago to try to fix the sign, but was told the sign is no longer an allowed use and in order for someone to fix it, they have to cut the sign down, take it to their shop, and redo it completely, then put it back up; however, once it is torn down, it is not able to go back up.

Commissioner Norton asked Mr. Bhakta if he would like the sign to remain or go away.

Mr. Bhakta stated for that sign to fit with the new project, it would be hard to mesh it. He would like to see the sign removed because it no longer fits with the current project.

Leticia Pepper stated that she would like to speak in favor of the applicant's hope that he could take the sign down. She commented that maybe the sign could be dedicated to a diner-type restaurant.

Mary Humboldt, 7407 Dufferin Avenue, agreed that this is great opportunity to do something in terms of the final focal point of Victoria Avenue, as Commissioner Leonard mentioned. She suggested this case be continued for a couple of weeks to allow for some ideas.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO APPROVE** P04-1531 and P04-1532, subject to the findings, recommendations and conditions of staff, **WITH MODIFICATION** to include that the applicant work with staff to address the two towers and realign them to make it so that it becomes a terminus for Victoria Avenue. The motion includes the revisions as noted in staff's presentation, along with the recommendation for adoption of a Mitigated Negative Declaration.

Chairman Agnew asked Mr. Bhakta if he is willing to work with staff on the design review issue regarding enhancement of the sign at the terminus of Victoria Avenue.

Mr. Bhakta stated absolutely.

Commissioner Leonard stated that he would like to offer specific wording for that because moving the towers is no small task given the geometrics of the intersection. He referred to Condition 1 and suggested, "...design modifications may be required as deemed necessary, including a landscaped focal point integrated with the entry towers." He explained that this will give staff the latitude to work with the applicant to include the focal point treatment that already has techniques that are included within the University Specific Plan.

The language was accepted by the motion maker and second.

Commissioner Norton asked if we are able to provide the applicant with some sort of directionary help toward a more modern sign that will go with his rehabilitation.

Clara Miramontes, Senior Planner, stated if it is a new sign, yes, the Commission can add some advisory conditions.

Commissioner Norton asked if the applicant has the right to remove the sign as he wishes to.

Ms. Miramontes stated unless the certificate of appropriateness is approved; at this point, he would have to appeal the decision of the Cultural Heritage Board and the City Council would have to make that decision.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer, Stephens

Chairman Agnew advised of the appeal procedures.

23. **PLANNING CASE P04-1565**: Proposed environmental review of a proposal by the City of Riverside Public Works Department to extend sanitary sewer treatment services to the Highgrove Community for three areas including 70 acres adjacent to Main Street between approximately 380 feet northerly of Carter Avenue and Placentia Lane, approximately 200 acres generally bounded by Orange Street on the west, State Route 91/Interstate 215 to the east, Nash Street on the south and the Riverside/San Bernardino County line on the north and approximately 2,230 acres generally bounded by State Route 91/Interstate 215 on the west, the Box Springs Mountains on the east, the Riverside/ San Bernardino County line on the north and Riverside City limits on the south.

Jeff Belier, Senior Planner, presented the staff report.

Commissioner Densmore asked for clarification that the City is going to honor an agreement and extend the sewer, but it is not going to impact the rates paid by current residents of the City of Riverside.

Mr. Belier stated that is correct.

Commissioner Leonard stated understanding the Council has specifically acted on this area, does the same policy apply to Woodcrest if Woodcrest residents want to connect to City sewer.

Mr. Belier deferred to the Public Works Department.

Tom Boyd, Deputy Public Works Director, stated the agreement that is the subject of this initial study applies only to the area shown in blue, not to any other area in the County.

Commissioner Leonard inquired as to whether the answer is no because the Council specifically has not acted to apply that policy to any other area.

Mr. Boyd stated the question of providing sewer service to Woodcrest was not raised by either the County or City during the negotiation of this agreement.

Ray Higgins, a resident of Riverside, stated as a native Riversider, he cannot understand who in the hell would want to annex Highgrove anyway.

Mary Humboldt, 7407 Dufferin Avenue, stated this is a serious thing because we have a growth control law in the books called Measure C, which says that any annexation must pay their own way. She stated that recently all of the City's sewer rates were raised and to actually think we could bring in all this stuff, plus the new 2,000 homes to be built in Highgrove and offer them City services at the same rate the citizens are paying is outrageous. She asked who is paying for all of that? She stated somehow we are supposed to subsidize Highgrove and the developer out there until he pays his fees. She feels this is outrageous and does not feel the residents of Riverside should put up with this.

Leticia Pepper, 503 Highlander Drive, Riverside, agreed with Ms. Humboldt.

Commissioner Kurani asked for confirmation that the City of Highgrove is paying for the cost of carrying the sewer.

Mr. Belier stated that is correct. He stated this is not related to an annexation. There is no annexation of this area going on at this time.

The public hearing was officially closed.

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-1565, subject to the findings, recommendations and conditions of staff, including the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer, Stephens

Chairman Agnew advised of the appeal procedure.

24. **NOTICE OF PROPOSED AMENDMENT TO TITLE 19 OF CITY CODE (ZONING) PLANNING CASE P04-1369:** Proposal of City of Riverside to amend the Zoning Ordinance (Title 19 of the Municipal Code) by revising Chapter 19.65 (Planned Residential Developments) to allow for the clustering of permitted residential units between single family zones occurring within the limits of a PRD for single family residences.

Commissioner Densmore stated this particular item before the Commission bears a certain resemblance to a case which has been considered by the Planning Commission as under litigation. He thinks the Commission can certainly forge ahead and see what happens, but not necessarily because of the time, but because of where we are in this very important matter. He believes it would be prudent for the Planning Commission to continue this matter until at least the litigation is resolved. He commented that he realizes there are some other developers that might be ready to move in a far less sensitive area, but because of the fact that this item is a very sensitive item, he would make that motion up front.

MOTION MADE by Commissioner Densmore, **SECONDED** by Commissioner Kurani, **TO CONTINUE** P04-1369.

Ken Gutierrez, Planning Director, commented he would limit his comments to the motion. He stated this case was initiated by the Planning Commission back in September of 2003. Due to time constraints and other issues, the City has not been able to get to it until now. He stated Commissioner Densmore is right; we do have some developments that are potentially impacted by this. This is not an unusual thing as there have been some cases out in the Alessandro Heights area that have had two different zones. This amendment provides a tool to balance the density/lot sizes that might come with two different zones. Staff feels it is not the same as the Rancho La Sierra property; there are some similarities and staff thinks it is something the Commission could go ahead with now.

Commissioner Leonard stated the motion was predicated on the point that this was based on specific case under review; staff has just indicated that is not the case. He now wonders if the Commission should hear a full staff report.

Commissioner Densmore clarified that the motion is based on the fact that it is similar to a case under review, but not predicated on that case.

Commissioner Leonard stated given the hour before the Commission, he does not believe this is something to debate at length this evening. He inquired as to whether the motion maker would concur with a two-week continuance.

The motion maker and second agreed.

Leticia Pepper stated she has to agree, she is not sure the issue before the Commission is going to be resolved by the lawsuit, because it does seem to apply across the whole city of Riverside. She stated she would like to hear more discussion on the matter that the Commission might appear to be taking a side on the issue by taking a vote on it because she is not sure that would be the case. She commented that the judge will not care because it is a legal issue.

Jim Kimmel, 7161 Indiana Avenue, agreed with the continuance due to the late hour. He commented he would like to have ample time to hear staff present the case and allow the audience to comment on it.

Yolanda Garland commented that she has been here since 10:00 a.m. this morning to speak this case and has been hanging around City Hall ever since. She commented that she would like to give her presentation.

Chairman Agnew informed Ms. Garland that she must speak to the continuance.

Mary Humboldt, 7407 Dufferin Avenue, commented that she, too, has been here for 7 ½ hours waiting to speak on this project. She stated she would like to go on record saying no to the continuance. She thinks this is definitely part of the Rancho La Sierra project. It is the cluster density transfer issue, which they are going to see in court.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer, Stephens

6:00 p.m.

25. **PLANNING CASE P04-0178:** Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.

Due to an exceptionally large crowd, the Commission and staff members discussed whether or not this case should be continued in order to hold the hearing at a larger venue, such as the Convention Center.

Ken Gutierrez, Planning Director, apologized to the audience for underestimating, based upon the Citizen's Congress and other meetings, the interest in this matter. He stated that he should have held this meeting in a larger venue; he understands that not only are people in the Chamber not able to hear, but there are people outside in the courtyard and throughout the lobby of City Hall. He would like to re-advertise this case for March 3, 2005 to be scheduled in a larger venue, yet to be determined. He plans to break the case down into more manageable segments so that people can come for specific issues. He stated that staff will announce the meeting date as quickly as they can; they will post it on the City's website and notify people who dropped off cards asking to be notified; they will also place an add in the Press Enterprise. He also noted that there will be many more hearings on this matter following the hearing of March 3, 2005.

There was a motion to continue this case to the meeting of March 3, 2005.

Commissioner Densmore expressed his desire to proceed with the hearing and take testimony from those who cannot come back and testify at subsequent hearings.

Kristi Smith, Deputy City Attorney, explained that testimony from the public given today would be based on an honor system. Those who wish to speak will get to speak.

SUBSTITUTE MOTION MADE by Commissioner Densmore, **SECONDED** by Commissioner Norton, **TO ALLOW TESTIMONY**, based on the honor system, from those who cannot come back at subsequent meetings.

SUBSTITUTE MOTION PASSED by a vote of 5 ayes to 2 noes.

The Commission took a ten minute break at this time.

The Pledge of Allegiance was given to the flag.

Chairman Agnew announced that the Commission is prepared to hear testimony and will allot each member of the public two minutes each to address the Commission. He asked that there be no outbursts or hollering and that everyone maintain control of themselves. He also directed the public to fill out the comment cards that are available around the Chamber and place it in the box at the microphone when they approach the Commission to speak.

Commissioner Densmore explained that it is not for the Commission, at this particular point in time, to engage in a dialogue with the testimony given. He inquired as to who the public would direct their questions to.

Diane Jenkins, Senior Planner, stated that she would be the one to direct questions to. She noted that her business cards are available at the back table, along with a poster in the main lobby, which includes her e-mail address.

Dana Kelstrom, owner of 3230 and 3280 Vine Street, noted he cannot attend the hearing of March 3, 2005 as he will be in Texas. He explained that by changing the zone of his property from M-2 to Office, it will significantly change his property, affect his tenants, and alter their capabilities as an M-2 Zone. He feels each property should be dealt with on an individual basis.

Yolanda Garland, a resident of La Sierra, expressed her concern that terrorism also exists in City Hall. She spoke against altering the lifestyles of residents who do not wish for the change.

Robin Kelcorn, 6204 La Sierra, stated that she bought her property for the horse property and does not want it rezoned as she wants to be able to keep her animals.

Mike Sebetian, owner of two businesses on Van Buren, stated that he is against rezoning Van Buren if it is going to affect his property.

The owner of 286 and 290 Iowa Avenue, Highgrove, spoke in support of keeping his business as it is.

A representative spoke on behalf of the owner of Western Liquor on University Avenue. The owner would like to ensure that rezoning of their property will not cause any complications to their business nor affect the selling of their business.

Laura Pearson-Densmore, Director of the Riverside Humane Society, spoke in support of the ability to keep livestock in La Sierra and stated that doing a blanket limitation on pets might be problematic. She offered her services at the Humane Society to help pull together a task force with a lot of different people and different ideas, to be brought back to the City Council, Planning Commission, Planning staff, and Code Enforcement, in working with the County Animal Control as well.

Lee Laurel, owner of a piece of property in Highgrove, spoke against rezoning of his property.

Roland J. Ferrero, resident of Riverside since 1952, stated he owns property on Alamo Street. He spoke against the development of 84 houses proposed at the end of Alamo.

Ms. Jennifer spoke against the conversion of duplexes.

Frank Espezido, 3240 Pachappa Hill, stated that for the past two days he has had to deal with Code Enforcement coming onto his property, including a police officer asking him to get out of his room. He stated that the City is using Code Enforcement and Animal Control to get around search warrants to control the people.

Don Gallegos, 3240 Pachappa Hill, spoke against the restrictions on animal-keeping.

Maurice Kraech asked the Commission to help the people of the City instead of drastically changing their lives.

Hope Allen, 6822 Weaver Street, spoke against the RV and animal restrictions. She asked that the City listen to the citizens of Riverside and leave their land the way it is.

Elvis Montane, 1555 Bradley Street, spoke in support of keeping the horse-zoned property.

Mike Alder, owner of a couple of businesses in Riverside, expressed his concern regarding the R-1, ½ acre watercourse overlay situation up off of Overlook and Whitegate and all through the arroyos. He explained that he would like to know if they will be limited to the number of animals they can have on this property and if the City is trying to place more houses up above them so that more water can drain in to the watercourse.

Bill Stevenson, 5750 La Sierra, expressed his concern regarding how the zone change will affect the size of their properties and the number of animals that will be allowed. He also objected to any restrictions on parking your own RV on the side of your home.

Marybeth Scott, 7487 Mount Vernon, stated she is representing her mother who owns the duplex she lives in. She expressed her concern regarding how they will be affected as duplex owners by the zone change.

Dick Stone, 2041 Fairview Avenue, expressed concern regarding the RV restrictions. He stated that he has an RV parked behind his garage that is mostly concealed. Will he have to get rid of it? He inquired as to who is asking for all of these changes and who will really profit from it.

Asu Chen, 407 Iowa Avenue, stated he has owned this business for two years. He noted that his property is County, but he received a letter regarding this hearing. He inquired as to how the zone change will affect his business.

Gary Holmes, 19962 Glenhaven Drive, Yorba Linda, addressed 2625 Orange Street, stated he is against the rezoning of this property. He stated that for future meetings he would like to be notified a little earlier in advance. He expressed his concern that the rezoning is discriminatory and violates Government Code Section 65863 and AB2292, which require upzoning whenever downzoning is implemented and prohibits reductions in affordable housing.

Dixie Clock, 6808 Weaver Street, stated she is 21 years old and has lived her entire life in Riverside. She expressed her opposition to the blanketing on animals and to the RV restrictions. She asked why the City has a problem with their animals if the people do not have a problem with them. She inquired as to whether they would have to get rid of their horse trailers.

Steven Hillmer, 3714 Sunnyside Drive, stated in the draft Zoning Code, there is a section labeled non-conformities. In that section it states that it should be the property's owners responsibility to provide evidence or information to justify establishment of non-conforming rights. He referred to the mixed-use zoning, noting that the City is proposing three different mixed-use zonings. Of those, the mixed use village proposes to be zoning permitting retail and residential above retail and similar. Yet, in the mixed use village, there is not a single use that is permitted without a special permit. In the mixed use neighborhood, which is proposed to establish and maintain housing stock, the City permits a whole raft of retail operations that are not permitted in mixed use village.

Bruce Farrel, 6650 Mt. Diablo, Riverside, expressed opposition to restricting RV's and animals. He explained that as people get older the more their pets become part of their lives.

Randy Vic, Plant Manager of Swiss Dairy, 4221 Buchanan Street, asked that they be rezoned as a Business Manufacturing Park Zone.

Sam Clowder explained that he came to Riverside to get out of Orange County; however, the City is trying to turn themselves into Orange County. He explained he is here because of the RV's, animals, and residences, but will discuss that in another hearing. He stated the City is running this government like the people are for the government to run. The government is supposed to represent what the people want to do. He suggested the City throw out this plan altogether and adopt one that will preserve Riverside the way the people want it now. He commented that he does not own in Riverside and will not own here if the City's going to tell him how many dogs he has to have. He stated when the City's Police Department can protect his property as well as his dogs can, then the City can talk to him about his dogs.

George Andrews, 1760 Old Bridge Road, Riverside, stated he has been a resident since 1962. He explained he is opposed to this change because no explanation has been provided today as to what this change means or what it does not mean. He stated having served two terms as volunteer on one of the commissions, he urged the audience members to go to the City Council meetings as the City Council is the body that can make the changes.

Sylvia Tilden, representing Martha Black, resident of 1655 Washington Street, expressed concern regarding the watercourse overlay zone. Ms. Black is afraid this change will cost her more in taxes.

Henry Bastiance, resident on Alamo Street, expressed opposition to rezoning of his property.

Terry Frizzel, long-time resident of Riverside and former Mayor, expressed her concern that the City needs to take into consideration the direction the people want the City to go in, not outside development interest.

Sydney Nixon, 11249 Park Haven Way, Riverside stated he and his family have lived at this residence for more than 50 years. He asked that the City not change their zoning as they want to maintain their single family residential and residential livestock combining zone.

Lee Allen, 6822 Weaver, stated he is a native of Orange County and recently got married and moved here to Riverside. He stated he loves the area and loves the fact he is allowed to have animals and is not sitting on top of their neighbors as in Orange County. He expressed his opposition to the changes proposed.

Delbert Schroeder, 3988 and 3990 Everest Avenue, stated he moved to Riverside in 1964. He expressed his concern that he should be able to rent his property to anyone he wants to. He should also be able to have cats or dogs if he wishes. He expressed opposition to any rezoning of his property.

Wilfredo Garcia, 6652 Columbus Street, stated he came to this country 42 years ago because he did not want the government to dictate to him what he can or cannot do. He stated he is originally from Cuba and became a citizen of the United States in 1970 after serving in the US Armed Forces. He noted that he is four years away from retirement and now the City wants to rezone his business. He explained that the rezoning of his business will affect the value of his property and his ability to sell, therefore affecting his retirement.

Alisa Vitus, 3014 Nash Wood Court, stated she and her disabled husband moved here from Huntington Beach. She stated that neither she nor any of her neighbors received notice of this meeting.

Dilip Shaw, 1905 Via Colonial, stated he is the owner of 8527 Janet Avenue, which is currently zoned Industrial. He stated he has been working on an infill, entry-level multi-residential project with Planning staff since April of 2004 and has spent a lot of money, time, and effort on this project thus far. He feels it is extremely unfair to rezone his property to Medium Density Residential at this point. He asked that the Commission allow both the General Plan Amendment and zone change of his parcel to High Density Residential.

Dana Slawsby, owners of 7492 and 7494 Mount Vernon Street, expressed her concern regarding the conversion of duplexes.

Richard Ardrey, 8610 Dufferin Avenue, stated he has been a resident of Riverside since 1927. He explained that there is a definite lack of information provided to the citizens of Riverside and he would like to see that they are provided more information so the people of Riverside do not get upset over a possibility that may not be. He commented that he is dissatisfied with the direction the City has gone in the last 30 years.

Brian Maxxen, 10993 Campbell, stated he has lived here for 23 years and is 'scared spitless'. He expressed his opposition to the restrictions on pets.

Sharon Sutton, 4778 Hyers Avenue, explained that she would like to know what Mixed Use Village is.

Margaret O'Brien, 3981 Mackenzie Street, expressed her opposition to rezoning her area. She commented that if she had the option she would not buy again in Riverside because the City only cares about its appearance.

Lois Smith, resident on Conway Drive in the Arlington area, commented that she only became aware of this meeting two days ago. She expressed her concern regarding the RV restrictions as they own a motorhome.

Rudy Morales, 5610 Peacock Lane, commented that he was happy when his property was annexed into the City of Riverside; however, he feels the City 'opened a can of worms' with the RV issue. He noted that not only do many people have RV's in the City, but they have boats as well.

Arlene Montalvo stated she has been trying to get information about the Watercourse Overlay Zone. She commented that she did receive a call back right away from Ms. Diane Jenkins, but she is still confused and can't understand why the public is confused as well. She inquired as to whether there could be a session held to explain these aspects of the Plan a little more.

Bill Stevenen, 5750 La Sierra, inquired as to where this motorhome parking issue came from.

Mr. Gutierrez stated when the Commission reconvenes they will take up a series of themes and RV parking will be one of those where staff will elaborate on and present diagrams as to where RV parking would and would not be allowed. He stated that there are provisions in the Zoning Code that deal with RV parking; as a matter of fact, the large rigs that are 10,000 gbw or greater are not allowed in any of the residential zones. There has been a lot of Code activity on that so because of that Code Enforcement activity, staff brought in the issue of RV parking. He explained that one of the common misconceptions is that this Ordinance is more stringent; in some ways it is, in most ways it is not.

Sharon Miller, 3476 and 3478 Albany, expressed her concern and opposition as she owns a duplex. She commented that her duplexes are in good condition.

Don Kick, 7754 Cassia Avenue, expressed his concern regarding the RV restrictions. He asked that these be withdrawn.

Dennis Garcia, 7339 Bender Street, stated he is representing his father who is against having his property rezoned.

Gusto Lopez, 9827 Indiana Avenue, spoke in opposition to the zone change as the City is stripping the property rights of the people.

Mary Humboldt, 7407 Dufferin Avenue, expressed her concern that Item 24, the transfer of density, which is also in the new General Plan undermines Prop R and Measure C and asked that it be removed from the Plan.

Martin Blumenthal stated he has already spoken with numerous members of the Planning Commission and is extremely concern with the manner in which the meeting was convened. He commented that many people left who did not have the opportunity to hear what many of the residents have said. This has destroyed the entire nature of a public meeting. He stated he does not believe this Commission has had an opportunity to review the basics of the entire plan as it has been presented. He suggested that a different consultant be hired as this consultant never took into consideration what the people wanted.

Ms. Frizzel expressed her concern that the people should be entitled to get answers to their questions before they have to come down here and defend their property rights.

Mr. Gutierrez informed the audience that the General Plan hearing will be continued to the evening of March 3, 2005 at 6:00 p.m. at a place to be determined. He noted that staff will put out an agenda to talk about the issues that will be discussed at that meeting. The agenda will be advertised in the newspaper and put on the City's website and those who have dropped cards in the box will be individually notified.

The Commission adjourned to the meeting of March 3, 2005.

THE FOLLOWING ITEMS WERE CONTINUED TO THE NEXT MEETING.

DISCUSSION OF FUTURE AGENDA ITEMS

MISCELLANEOUS PLANNING AND ZONING ITEMS

26. Report from the City Planning Commission representative to the City Land Use Committee.
27. Recent City Council actions of interest to the City Planning Commission.
28. Briefing on upcoming agenda items.

MINUTES

The minutes of September 30, 2004 (Workshop), November 4, 2004 (Workshop), and December 9, 2004 to be presented for approval.

ADJOURNMENT

Adjournment to the March 3, 2005 meeting at 9:00 am.